



## **LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

December 7, 2016 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
  - 1. November 16, 2016 LOC Meeting Minutes
- III. Current Business**
  - 1. Conflict of Interest Amendments
  - 2. Community Support Fund Amendments
- IV. New Submissions**
  - 1. Police Commission New Laws Consideration
- V. Additions**
- VI. Administrative Updates**
  - 1. LOC 4<sup>th</sup> Quarterly Report
  - 2. Legislative Analysis SOP
  - 3. Rulemaking Guidebook
- VII. Executive Session**
- VIII. Recess/Adjourn**



## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

November 16, 2016 9:00 a.m.

**Present:** Brandon Stevens, Tehassi Hill, Jennifer Webster, David P. Jordan, Fawn Billie

**Others Present:** Jennifer Falck, Tani Thurner, Clorissa Santiago, Candice Skenandore, Rhiannon Metoxen, Krystal John, Terry Cornelius, Jo Anne House, Diane McLester-Heim, Rae Skenandore, Nancy Barton, Danelle Wilson, Bonnie Pigman, Gene Schubert, Cathy Bachhuber

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

Brandon Stevens called the November 16, 2016 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Tehassi Hill to adopt the agenda; seconded by Jennifer Webster. Motion carried unanimously.

### II. Minutes to be approved

#### 1. November 2, 2016 LOC Meeting Minutes

Motion by David P. Jordan to approve the November 2, 2016 LOC meeting minutes; seconded by Tehassi Hill. Motion carried unanimously.

### III. Current Business

#### 1. Tobacco Law Amendments

Motion by Jennifer Webster to approve the Tobacco Law Amendments public meeting packet and direct the LRO to hold a public meeting on December 15, 2016; seconded by Tehassi Hill. Motion carried unanimously.

#### 2. Hunting, Fishing, Trapping Law Amendments

Motion by David P. Jordan to approve the Hunting, Fishing, Trapping Law Amendments public meeting packet and direct the LRO to hold a public meeting on December 15, 2016; seconded by Tehassi Hill. Motion carried unanimously.

#### 3. Oneida Business Committee Meetings Law

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.

#### 4. Budget Management and Control Law

Motion by Tehassi Hill to approve the Budget Management and Control Law public meeting packet and direct the LRO to hold a public meeting on December 15, 2016; seconded by Fawn Billie. Motion carried unanimously.

**5. Per Capita Law Amendments**

Motion by David P. Jordan to approve the Per Capita Law Amendments public meeting packet and direct the LRO to hold a public meeting on December 15, 2016; seconded by Jennifer Webster. Motion carried unanimously.

**IV. New Submissions**

**V. Additions**

**VI. Administrative Updates**

**1. GTC Annual Report**

Motion by Jennifer Webster to approve and direct the LRO Director to submit the FY16 GTC Annual Report to the Secretary's Office with the addition of an LOC photograph; seconded by David P. Jordan. Motion carried unanimously.

**2. OBC Meeting Agenda Memo**

Motion by Jennifer Webster to approve the Business Committee Agenda- Order of Business Memo and forward to the Secretary's Office to consider as an agenda item for a OBC work meeting; seconded by David P. Jordan. Motion carried unanimously.

**VII. Executive Session**

**VIII. Recess/Adjourn**

Motion by Fawn Billie to adjourn the November 16, 2016 Legislative Operating Committee meeting at 10:05 a.m.; seconded by David P. Jordan. Motion carried unanimously.



## Legislative Operating Committee December 7, 2016

# Conflict of Interest Amendments

<b>Submission Date:</b> 7/21/16	<b>Public Meeting:</b>
<b>LOC Sponsor:</b> Brandon Stevens	<b>Emergency Enacted:</b> 08/10/16 <b>Expires:</b> 02/07/17

**Summary:** An emergency amendment to the Conflict of Interest Policy in regards to the HUD Site Monitoring Review Finding #1.

**7/13/16 OBC:** Motion by Lisa Summer (in regards to finding #1) to request the LOC to develop emergency amendments to the COI Policy to address mandatory recusal in the event of the certain conflicts within 45 days; and to request final amendments as possible, seconded by Brandon Stevens. Motion carried unanimously.

**8/3/16 LOC:** Motion by David P. Jordan to approve the Conflict of Interest Policy Emergency Amendments resolution and forward to the Oneida Business Committee for consideration; seconded Jennifer Webster. Motion carried unanimously.

**8/10/16 OBC:** Motion by Lisa Summers to adopt resolution # 08-10-16-M Conflict of Interest Policy Emergency Amendments, seconded by Tehassi Hill. Motion carried unanimously.

**8/17/16 LOC:** Motion by David P. Jordan to add the Conflict of Interest Policy Emergency Amendments to the active files list with Brandon Stevens as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

**10/19/16:** *Quarterly Sponsor Update Meeting.* Present: Brandon Stevens, Jennifer Falck, Clorissa Santiago, Maureen Perkins, and Tani Thurner. Clorissa is working on draft.

**11/17/16:** *Work Meeting Held.* Present: David Jordan, Fawn Billie, Tehassi Hill, Jenny Webster, Brandon Stevens, Troy Parr, Travis Wallenfang, Pat Garvey, Clorissa Santiago, Candice Skenandore, Jen Falck, and JoAnne House. Place the item on the 12/7/16 LOC agenda- to approve a public meeting packet. Require the Development Division and Indian Preference Office to submit written comments during the public comment period.

### Next Steps:

- Approve public meeting packet and direct the LRO to hold a public meeting on December 30, 2016.

NOTICE OF  
**PUBLIC MEETING**  
TO BE HELD  
**Thursday, DECEMBER 30th at 12:15 p.m.**  
IN THE  
**OBC CONFERENCE ROOM**  
**(2<sup>nd</sup> 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: CONFLICT OF INTEREST  
AMENDMENTS**

**This is a proposal to amend the existing Conflict of Interest Policy  
which would:**

- ◆ Permanently adopt the emergency amendment which sets a minimum standard for prohibited activities resulting from a disclosed conflict of interest and requires that no employee, officer or agent of the Nation may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest;
- ◆ Permanently adopt the emergency amendment which expanded the definition of conflict of interest to include any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives may have in any transaction between the Oneida Nation and an outside party;
- ◆ Add a definition for the term “immediate family member;”
- ◆ Require departments and entities of the Nation to develop standard operating procedures and/or work standards outlining prohibited activities resulting from disclosed conflicts of interest and means by which a party can alleviate or mitigate the conflict of interest; and
- ◆ Permanently adopt emergency amendments which allow division directors the discretion, to the extent permitted by applicable law, policy or rule, to decide if a conflict of interest has been properly alleviated or mitigated according to standard operating procedures.

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](http://www.oneida-nsn.gov/Register/PublicMeetings)**  
or contact the Legislative Reference Office.

**PUBLIC COMMENT PERIOD  
OPEN UNTIL JANUARY 9, 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**



## Conflict of Interest Amendments Legislative Analysis

### SECTION 1. BACKGROUND

REQUESTER: Brandon Stevens	SPONSOR: Brandon Stevens	DRAFTER: Clorissa Santiago	ANALYST: Candice Skenandore
<b>Intent</b>	Permanently adopt the emergency amendments which bring this legislation in compliance with HUD requirements as well as approve additional changes to the Law.		
<b>Purpose</b>	Ensure that anyone that has access to confidential information be subject to specific limitations in order to protect the interests of the Nation <i>[See Conflict of Interest 217.1-1]</i> .		
<b>Affected Entities</b>	Elected officials, employees, consultants, appointed/elected members of boards, committees and commissions, officers of the Nation and any person that is associated with the above persons in personal, marital, familial, business, financial or other relationships, agents, appointees, entities of the Nation, entities that contract with the Nation and Nation-wide Departments. The Law does not pertain to insurance providers seeking to enter into third party payment agreements with the Pharmacy <i>[See Conflict of Interest 217.7-2]</i> .		
<b>Affected Legislation</b>	Investigative Leave Policy, Personnel Policies and Procedures, Comprehensive Policy Governing Boards, Committees and Commissions, Removal Law.		
<b>Enforcement/Due Process</b>	An employee shall be suspended without pay during an investigation to determine if he/she failed to disclose a conflict of interest. If the investigation shows the employee violated this Law, his/her employment will be terminated. The employee can appeal an adverse employment action pursuant to the Nation's personnel policies and procedures <i>[See Conflict of Interest 217.5-1]</i> . A member of a board, committee or commission may be subject to removal pursuant to Removal Law or have their appointment terminated by the OBC pursuant to the Comprehensive Policy Governing Boards, Committees and Commissions <i>[See Conflict of Interest 217.5-2]</i> . Entities or persons who fail to disclose conflict may have their contracts terminated <i>[See Conflict of Interest 217.5-3]</i> .		
<b>Public Meeting</b>	A public meeting has not been held.		

### SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Oneida Business Committee (OBC) requested the Legislative Operating Committee (LOC) to develop emergency amendments to the Conflict of Interest Policy (Law) to address mandatory recusal in the event of certain conflicts *[See OBC Meeting Minutes, July 13, 2016]*. This request stemmed from an audit completed by the U.S. Department of Housing and Urban Development (HUD) on June 12, 2016, which found that the Law was not in compliance with certain HUD requirements and that the Oneida Nation (Nation) was given 90 days to become complaint.
- B. The OBC adopted the emergency amendments pursuant to resolution BC-08-10-16-M.
- C. These emergency amendments are set to expire on February 10, 2017. The Legislative Procedures Act allows the OBC to extend the emergency amendments for an additional six months, if necessary *[See Legislative Procedures Act 16.9-5 (b)]*.
- D. The emergency amendments, along with additional changes to the Law, are brought forward for consideration of permanent adoption.

15 **SECTION 3. CONSULTATION**

- 16 A. Departments/divisions that were consulted when developing the revisions to this Law  
17 include the Oneida Law Office, Development Division and Indian Preference.  
18 B. A search of similar tribal legislation was conducted and the Stockbridge-Munsee  
19 Community Band of Mohican Indians' Code of Conduct and Menominee Indian Tribe of  
20 Wisconsin's Conflict of Interest were reviewed when developing this legislative analysis  
21 [*See Stockbridge-Munsee's Code of Conduct, CH. 51 and Menominee Indian Tribe of*  
22 *Wisconsin's Ethics, CH. 77, Article I. Conflict of Interest*].  
23

24 **SECTION 4. PROCESS**

- 25 A. The development of the proposed Law has complied with the process set forth in the  
26 Legislative Procedures Act.  
27 B. This item was added to the Active Files List on July 13, 2016  
28 C. The LOC will consider holding a public meeting on Thursday, December 30, 2016 at  
29 12:15 p.m.  
30 D. If the public meeting is held on the date specified above, the public comment period will  
31 conclude on Monday, January 9, 2017 at 4:30 p.m.  
32 E. The public comment review has yet to be completed.  
33

34 **SECTION 5. PROPOSED AMENDMENTS TO LEGISLATION**

- 35 A. Proposed amendments to law include the following:  
36 ■ Expand who the law applies to which now includes elected officials and anyone with  
37 familial ties to an elected official, employee, consultant, appointed or elected member of  
38 a board, committee or commission and officer of the Nation[*See Conflict of Interest*  
39 *redline 217.4-1 (a)*].  
40 ■ Specify that when a conflict of interest is disclosed, an employee, consultant, officer,  
41 agent or appointed or elected member of a board, committee or commission cannot  
42 participate in the selection, award or administration of a contract, including contract  
43 support, by a Federal award or any prohibited activities identified in the Nation's laws,  
44 policies or rules [*See Conflict of Interest redline 217.6-1*].  
45 ■ Require the Nation's departments and entities to create standard operating procedures  
46 and/or work standards that further outline prohibited activities when a conflict of interest  
47 is disclosed as well as ways to alleviate the conflict of interest [*See Conflict of Interest*  
48 *redline 217.6-2*].  
49

50 **SECTION 6. INTENT**

- 51 A. The purpose of the Law is clear.  
52 B. It is not clear who the legislation applies to. Please refer to Section 8.A of this analysis  
53 for more information.  
54

55 **SECTION 7. EFFECT ON EXISTING LEGISLATION, ENFORCEMENT & DUE**  
56 **PROCESS**

- 57 A. Personnel Policies and Procedures  
58 ■ An employee can have his/her employment terminated for failing to disclose a  
59 conflict of interest, however, he/she can appeal the adverse employment action  
60 pursuant to the Nation's laws, rules and policies governing employment [*See*  
61 *Conflict of Interest 217.5-1*].



B. Removal Law and Comprehensive Policy Governing Boards, Committees and Commissions

- If an elected member of a board, committee or commission fails to disclose a conflict of interest, he/she may be subject to removal pursuant to the Removal Law and if an appointed member of a board, committee or commission fails to disclose a conflict of interest, the OBC may terminated his/her appointment in accordance with the law governing boards, committees and commissions for appointed officials [See 217.5-2].

**SECTION 8. OTHER CONSIDERATIONS**

A. Investigative Leave Policy

- When an employee fails to disclose a conflict of interest, the Law requires the employee be suspended without pay pending an investigation which must be completed within seven days of placing the employee on suspension [See *Conflict of Interest redline 217.5-1*]. The Investigative Leave Policy, which addresses investigative leave for employees undergoing work-related investigations, sets out the process of the investigation which includes, among other things, when an employee can be placed on investigative leave, who needs to approve the investigative leave, notice and report requirements and the duration of the investigative leave which is no longer than 15 calendar days [See *Investigative Leave Policy*]. Although the timelines for an investigation are more specific within the proposed Law, the LOC may want to determine if the process within the Investigative Leave Policy, other than the timeframes, will apply to investigations conducted within this Law.

- B. The Law is not consistent in identifying major players. The purpose of the Law identifies certain players, the scope identifies others and the section that lists those that are prohibited from certain actions when a conflict is disclosed lists others [See *Conflict of Interest redline 217.1-1, 217.4-1 & 217.6-1*]. Please see chart (below) as reference. The LOC may want to consider making the Law more consistent in how it identifies major players.

	Purpose [217.1-1]	Definition of Conflict of Interest [217.3-1 (a)]	Scope [2017.1-2]	Prohibited Activities for Disclosed Conflict [217.6]
Employee	✓	✓	✓	✓
Consultant	✓	✓	✓	✓
Appointee	✓			
Official	✓			
Elected Official		✓	✓	
Appointed/Elected Member of BCCs		✓	✓	✓
Officers of Nation			✓	
Officer				✓
Agent				✓
Department of Nation				✓
Entities of Nation				✓



- The Law specifies penalties for employees, members of boards, committees and commissions as well as entities or persons who contract with the Nation for failing to disclose conflicts of interest. In addition, the Law prohibits consultants, officers, and agents as well as employees and appointed or elected members of a board, committee or commission from participating in certain actions if a conflict of interest is present. However, the Law does not place penalties on agents, appointees, officials, or officers of the Nation that fail to disclose a conflict of interest. The LOC may want to whether or not enforcement provisions should apply to those other than employees, members of boards, committees and commissions or entities/persons that contract with the Nation that fail to disclose a conflict of interest.

C. The LOC may want to consider defining the following terms:

- |                                    |     |                          |
|------------------------------------|-----|--------------------------|
| ▪ Entity                           | 111 | ▪ Officers of the Nation |
| ▪ Entities contracting with Nation | 112 | ▪ Familial               |
| ▪ Entities of the Nation           | 113 | ▪ Departments            |
| ▪ Agent                            | 114 | ▪ Official               |
| ▪ Employee                         | 115 | ▪ Elected Official       |
| ▪ Consultant                       | 116 | ▪ Board, committee or    |
| ▪ Appointee                        | 117 | commission               |
| ▪ Days                             |     |                          |

D. Additional changes were made to ensure the Law is consistent with standard drafting practices and to improve the clarity of the Law, these changes do not affect the content of the Law.

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## **Title 1. Government and Finances – Chapter 217**

### **CONFLICT OF INTEREST**

#### **Conflict of Interest Policy**

~~Article I-217.1.~~ Purpose and Policy

~~Article H-217.2.~~ Adoption, Amendment, Repeal

~~Article I-217.3.~~ General Definitions

~~217.4 General~~

~~217.5. Penalties for Non-Disclosure of a Conflict of Interest~~

~~Article V-217.6. Penalties Prohibited Activities Resulting from a~~

~~Disclosed Conflict of Interest~~

~~Article VI-217.7. Exceptions Exemptions~~

#### **Article I-217.1. Purpose and Policy**

~~217.1-1. Purpose.~~ –The purpose of this law is for the Oneida ~~Tribe-Nation~~ to ensure ~~desires~~ that all employees, consultants, appointees, officials and all others who may have access to information or materials that are confidential or may be used by competitors of the Oneida ~~Tribe-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 Oneida ~~Tribe-Nation~~.

~~217.1-2. Policy.~~ It is the policy of tThe Oneida ~~Tribe-Nation~~ to assert ~~s~~ its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the Oneida ~~Tribe-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.  
~~1-3.~~–The Oneida ~~Tribe-Nation~~ asserts that no persons who work for the Oneida ~~Tribe-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 Oneida ~~Tribe-Nation~~ s interests without full and complete prior disclosure to the Oneida ~~Tribe-Nation~~.

#### **Article H-217.2. Adoption, Amendment, Repeal**

~~217.2-1.~~ This ~~Policy-law~~ is was adopted by the Oneida Business Committee – by Resolution # BC-6-10-98-C.

~~217.2-2.~~ This ~~law~~Policy– may be amended or repealed ~~pursuant to the procedures set out in the Oneida Administrative Procedures Act~~ 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 ~~Policy-law~~ or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~Policy-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.~~All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this Policy are hereby superseded unless specifically re-enacted after adoption of this Policy. Specifically, the following resolutions are superseded by this Policy:~~

~~a. Resolution # BC-9-28-90-A, and~~

~~b. Resolution # BC-9-27-90-E.~~

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

#### **Article III-217.3. Definitions**

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

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everyday sense.

(a) ~~3-2.~~ A Conflict of interest@ ~~shall mean~~ means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate ~~relatives~~ family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Oneida ~~Tribe~~ 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 Oneida ~~Tribe~~ Nation. In addition, conflict of interest also means any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate ~~relatives~~ family members may have in any transaction between the Oneida ~~Tribe~~ Nation and an outside party.

(b) “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.

(c) “Nation” means the Oneida Nation.

(d) ~~3-3.~~ A Third party agreement@ ~~shall mean~~ s 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.

#### **Article I ~~217.4.~~ General.**

~~4-1. Purpose. This Policy shall be interpreted to prevent the use of inside information by which such use would be to the detriment of the Oneida Tribe.~~

~~217.4-12.~~ Scope.

a. This ~~Policy law~~ shall apply to elected officials, employees, consultants, appointed or elected members of boards, committees and commissions, officers of the Oneida ~~Tribe~~ Nation or any other persons with whom they may be associated in personal, marital, familial, business, financial or other relationships.

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

~~217.4-23.~~ Amendment of Documents. The following documents shall be amended as required in order to implement this ~~Policy law~~:

a. The Nation’s laws, rules and policies governing employment. ~~Personnel Policies and Procedures for employees.~~

1. Prospective employees will be asked whether or not they have any conflicts of interest as defined in this ~~Policy law~~.

2. Current employees will be asked to disclose existing conflicts of interest, if any.

b. Persons or entities contracting with the Oneida ~~Tribe~~ Nation must include a provision reciting the prohibition against undisclosed conflicts of interest.

c. All members of boards, committees and commissions shall be informed in writing by

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the ~~Tribal Oneida Nation~~ Secretary of the existence of this ~~Policy~~law.  
217.4-34. *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 ~~Policy~~law. The Oneida Law Office shall be responsible for creating a standard form and any specialized forms required by this ~~Policy~~law.

## ~~217.5~~Article V. Penalties for Non-Disclosure of a Conflict of Interest

217.5-1. *Employees.* Employees ~~found to be in violation of~~that fail to disclose a conflicts of interest shall be suspended without pay pending a complete investigation, ~~and terminated where evidence identifies that a undisclosed conflicts exists or existed.~~ This investigation ~~must~~shall be concluded within seven (7) days of the suspension. ~~If evidence identifies that an undisclosed conflict of interest exists or existed, the employee shall be terminated, after which~~ Tthe terminated employee shall have the same rights of appeal as all other employees pursuant to procedures set forth in the ~~Nation's laws, rules and policies governing employment.~~Personnel ~~Policies and Procedures.~~

217.5-2. *Boards, Committees and Commissions.* Members of boards, committees and commissions may be ~~either removed~~subject to removal pursuant to the Removal Law for elected officials or have their appointment terminated by the Oneida Business Committee pursuant to the law governing board, committees and commissions for appointed officials.

217.5-3. *Contracts.* Entities or persons who do not disclose conflicts may be subject to termination of their contracts.

## ~~Article VI~~217.6. Prohibited ~~a~~Activities ~~R~~esulting from a ~~Disclosed~~ Conflict of Interest

217.6-1. When ~~an existing~~ conflict of interest ~~exists~~is disclosed, no employee, ~~consultant, officer, agent, or appointed or elected member of a board, committee or commission~~ ~~officer or agent~~may participate in:

- (a) ~~the selection, award, or administration of a contract supported~~including contracts supported by a Federal award; and/or
- (b) ~~any other prohibited activities identified in any other law, policy or rule of the Oneida Nation.~~

217.6-2. ~~Departments and 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 217.6-1(b) ~~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 217.6-1(a) ~~a~~.

## ~~Article VII~~217.7. Exemptions

217.7-1. Exemptions to this ~~Policy~~law are for the purpose of excluding activities of the Oneida ~~Nation~~Tribe for which no conflict of interest can exist. These activities generally occur when the Oneida ~~Tribe~~Nation is acting as a provider of services for which another will be making payments or reimbursing costs of providing the services. Exemptions must be specifically identified within this ~~Article~~law.

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141 | 7-2. *Pharmacy*. This exemption ~~shall~~shall be designed to relieve the Pharmacy and insurance  
142 | providers from the requirements of the Conflict of Interest ~~Policy~~Law while recognizing the  
143 | unique relationship between the Pharmacy and insurance providers in third party payment  
144 | agreements where no proprietary information of the Oneida ~~Tribe~~Nation is provided to the  
145 | insurance providers, and there is little or no opportunity for a conflict of interest between the  
146 | insurance providers and the Oneida ~~Tribe~~Nation. This exemption shall be designed to increase  
147 | the attractiveness of the Pharmacy to subscribers of multiple insurance providers. This  
148 | exemption shall apply solely to insurance providers seeking to enter into third party payment  
149 | agreements with the Pharmacy.

150 |  
151 | *End.*  
152 |

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153 |  
154 | Adopted - BC-6-10-98-C  
155 | Emergency Amendment - BC-4-12-06-JJ  
156 | Amended - BC-9-27-06-E (adoption of emergency amendments)  
157 |

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## Title 1. Government and Finances – Chapter 217

### CONFLICT OF INTEREST

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

#### 217.1. Purpose and Policy

217.1-1 *Purpose*. The purpose of this law is for the Oneida Nation to ensure that all employees, consultants, appointees, officials and all others who may have access to information or materials that are confidential or may be used by competitors of the Oneida 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 Oneida Nation.

217.1-2. *Policy*. It is the policy of the Oneida Nation to assert its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the Oneida 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 Oneida Nation asserts that no persons who work for the Oneida 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 Oneida Nation's interests without full and complete prior disclosure to the Oneida Nation.

#### 217.2. Adoption, Amendment, Repeal

217.2-1. This law was adopted by the Oneida Business Committee by Resolution # BC-6-10-98-C.

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) A Conflict of interest means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, 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 Oneida Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other

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violation of such rights of the Oneida Nation. In addition, conflict of interest also means any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate family members may have in any transaction between the Oneida Nation and an outside party.

(b) "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.(c) "Nation" means the Oneida Nation.

(d) AThird 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 elected officials, employees, consultants, appointed or elected members of boards, committees and commissions, officers of the Oneida Nation or any other persons with whom they may be associated in personal, marital, familial, business, financial or other relationships.

b. Under the protection of this law are the resources of the Oneida Nation, its enterprises, programs, business interests, financial information, trade secrets and any other information that could be used against the Oneida 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 will be asked whether or not they have any conflicts of interest as defined in this law.

2. Current employees will be asked to disclose existing conflicts of interest, if any.

b. Persons or entities contracting with the Oneida Nation must include a provision reciting the prohibition against undisclosed conflicts of interest.

c. All members of boards, committees and commissions shall be informed in writing by the Oneida Nation Secretary of the existence of this law.

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.

#### **217.5. Penalties for Non-Disclosure of a Conflict of Interest**

217.5-1. *Employees.* Employees that fail to disclose a conflict of interest shall be suspended without pay pending a complete investigation. This investigation shall be concluded within seven (7) days of the suspension. If evidence identifies that an undisclosed conflict of interest exists or existed, the employee shall be terminated. The terminated employee shall have the same rights of appeal as all other employees pursuant to procedures set forth in the Nation's



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laws, rules and policies governing employment.

217.5-2. *Boards, Committees and Commissions.* Members of boards, committees and commissions may be subject to removal pursuant to the Removal Law for elected officials or have their appointment terminated by the Oneida Business Committee pursuant to the law governing board, committees and commissions for appointed officials.

217.5-3. *Contracts.* Entities or persons who do not disclose conflicts may be subject to termination of their contracts.

## **217.6. Prohibited Activities Resulting from a Disclosed Conflict of Interest**

217.6-1. When an existing conflict of interest is disclosed, no employee, consultant, officer, agent, or appointed or elected member of a board, committee or commission 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 Oneida Nation.

217.6-2. Departments and 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 217.6-1(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 217.6-1(a).

## **217.7. Exemptions**

217.7-1. Exemptions to this law are for the purpose of excluding activities of the Oneida Nation for which no conflict of interest can exist. These activities generally occur when the Oneida Nation is acting as a provider of services for which another will be making payments or reimbursing costs of providing the services. Exemptions must be specifically identified within this law.

217.7-2. *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 Oneida 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 Oneida 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.*

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Adopted - BC-6-10-98-C

Emergency Amendment - BC-4-12-06-JJ

Amended - BC-9-27-06-E (adoption of emergency amendments)



Legislative Operating Committee  
December 7, 2016

## Community Support Fund

<b>Submission Date:</b> 7/1/15	<b>Public Meetings:</b> 10/29/15 and 11/3/16
<b>LOC Sponsor:</b> David P. Jordan	<b>Emergency Enacted:</b> N/A

**Summary:** *This item was brought forward to reconcile the Policy with language found in BC Resolution 12-11-13-D - clarifying that someone who receives assistance from the Fund program does not have to cost share if they are at or below the federal Poverty Guidelines. The Fund operators have requested additional changes.*

**7/1/15 LOC:** Motion by David P. Jordan to add the Community Support Fund Policy Amendments to the Active Files List with himself as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

**7/22/15 OBC:** Item deferred to the next regular Business Committee meeting. *No action taken; item moved to open session (XII.I.) at the adoption of the agenda.*

**8/12/15 OBC:** *Item sent to a Business Committee special meeting agenda at the adjournment of the meeting.*

**8/17/15 OBC:** Motion by Jennifer Webster to direct the requested changes to the Community Support Fund Policy to the Legislative Operating Committee and for proposed changes due back to the September 23, 2015 regular Business Committee meeting, seconded by David Jordan. Motion carried with one opposed [Tehassi Hill] and one abstention [Brandon Stevens].

*For the record:* Brandon Stevens stated this item went on the LOC active files list on July 1st.

*For the record:* Tehassi Hill stated I oppose too because it is already on the LOC's agenda and Councilman David Jordan is already the sponsor. This is already being worked on so I don't believe it's necessary to add this to the LOC's agenda twice. It's already there.

**9/2/15 LOC:** Motion by Jennifer Webster to forward the current draft of the Community Support Fund (Policy) for the required analyses; seconded by Fawn Billie. Motion carried unanimously.

- 9/16/15 LOC:** Motion by David P. Jordan to accept the update on the Community Support Fund Policy Amendments and forward to the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.
- 9/23/15 OBC:** Motion by David Jordan to accept the update from the Legislative Operating Committee regarding the status of the Community Support Fund amendments, seconded by Brandon Stevens. Motion carried unanimously.
- 10/7/15 LOC:** Motion by Jennifer Webster to forward the Community Support Fund Policy Amendments to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by David P. Jordan. Motion carried unanimously.
- 10/29/15:** *Public Meeting held.*
- 11/18/15 LOC:** Motion by David P. Jordan to accept the public meeting comments regarding the Community Support Fund Policy Amendments and defer to a LOC work meeting to be held tentatively on December 4, 2015; seconded by Fawn Billie. Motion carried unanimously.
- 12/4/15:** *Work meeting held.* Attendees include David P. Jordan, Brandon Stevens, Jennifer Webster, Danelle Wilson, Rhiannon Metoxen, Nicolas Reynolds, Trina Schuyler, Nancy Barton, Bradley Graham, Bill Graham, Cathy Metoxen, Candice Skenandore, Tani Thurner, Maureen Perkins, Douglass McIntyre.
- 1/15/16:** *Work Meeting Held.* Attendees include David P. Jordan, Jennifer Webster, Fawn Billie, Tehassi Hill, Trina Schuyler, Nancy Barton, Bradley Graham, Bill Graham, Leyne Orosco, Cathy Metoxen, Douglass McIntyre.
- 2/3/16 LOC:** Motion by Fawn Billie to accept the draft of the Community Support Fund Policy Amendments, to forward to the Legislative Reference Office for an updated analysis and to the Finance Department for a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.
- 7/6/16 LOC:** Motion by Tehassi Hill to adopt the agenda with the addition of the Membership Ordinance Emergency Amendments and the deletion of the Community Support Fund, deferring this item to the next LOC meeting; seconded by David P. Jordan. Motion carried unanimously.
- 8/2/16:** *Work Meeting Held.* Attendees include Jo Anne House, Nancy Barton, Debra Powless, Brandon Stevens, David P. Jordan, Trina Schuyler
- 8/4/16:** *Work Meeting Held.* Attendees include Jo Anne House, Nancy Barton, David P. Jordan, Debra Powless, Trina Schuyler
- 9/21/16LOC:** Motion by David Jordan to accept the draft and legislative analysis and to forward the Community Support Fund to a November 3, 2016 public meeting; seconded by Fawn Billie. Motion carried unanimously.

**10/13/16:**      *Quarterly Sponsor Update Meeting held.* Present: David Jordan, Krystal John, Leyne Orosco, Tani Thurner, Maureen Perkins, Clorissa Santiago. Public meeting scheduled for 11/3/16.

**11/3/16**      *Public Meeting Held.*

**Next Steps:**

- Review the Public Meeting comments, direct any additional changes, and consider directing the LRO to prepare an adoption packet for the Oneida Business Committee.



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54115-0365  
 Oneida-nsn.gov



## HANDOUT

TO: Legislative Operating Committee (LOC)  
 FROM: Krystal L. John, Oneida Law Office  
 DATE: December 7, 2016  
 RE: Community Support Fund Amendments: Public Meeting Comment Review

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On November 3, 2016, a public meeting was held regarding amendments to the Community Support Fund Policy/Law. This memorandum is submitted as a review of the oral comments received during the public meeting process and written comments received within the public comment period. The public meeting draft with comments is attached for review.

### Comments 1-3. Defining an Emergency Event

204.3-1(f) “Emergency event” means a situation that poses an immediate risk to health, life, safety, property or environment. Emergencies require urgent intervention to prevent further illness, injury, death, or other worsening of the situation.

#### *Comment 1*

**Nancy Barton:** [The analysis says] “Currently the fund was used for a catastrophic event or illness and the amendments add that assistance also covers an “emergency event”. [...] I’m worried about whose interpretation of an emergency event. You know one of my daughters is a drama queen and her interpretation of an emergency event is I’m on a quarter of a tank of gas and so it’s like ...don’t go anywhere. And my interpretation of an emergency event is way different and so ... whose interpretation. You know there needs to be a list.

#### *Comment 2*

**Nancy Barton:** Could we add homelessness in there, prevent homelessness? That would be my recommendation to add to prevent homelessness.

#### *Comment 3*

**Trina Schuyler:** Also the request for the homeless assistance not be considered as part of the Community Support again, because due to the funding availability there is not enough, there is not a large enough budget to address the homeless population specifically in regards to what that would entail. That’s a larger, broader scope that I know we have talked about in the past regarding a facility, regarding shelter or whatever that may look like and I know Housing is working on that as well, but in this current fund there is no availability for that use either.

#### *Response*

In regards to the first comment which asks who will be responsible for determining what constitutes an emergency event, section 204.4-1 provides that “Social Services Area of the Government Services Division shall be responsible for operation of the Fund, but may designate the operation of the Fund to a department within its control.” Further, section 204.4-1(a)

requires the Fund operators to promulgate rules for the administration of the Fund including a list of categories that the Fund covers. Accordingly, the interpretation of what constitutes an emergency event will be in the discretion of the Social Services Area or a department within its control, provided that such discretion will be guided by the rules that the Fund operator is required to create in order to ensure a consistent application. There are no recommended revisions based on this comment.

The second and third comments are regarding the inclusion of homelessness in definition of “emergency event.” The second comment requests that it be included and the third comment requests that it remain as currently drafted to specifically exclude homelessness and cites lack of adequate funding as justification.

This Committee has considered the inclusion of homelessness in the definition of emergency event on numerous occasions and has consistently agreed that, while a relevant concern, it is a concern best addressed with a different set of resources. Whether to expand the scope of this Fund to include homelessness assistance is a policy for the Committee.

#### **Comment 4 – Inpatient Treatment Coverage**

204.6-1(h). Requests for assistance from the Fund shall be tied to or be a result of a catastrophic event, illness, injury or emergency event. Upon verification of a catastrophic event, illness, injury or emergency event, the Fund may be used for the following: ... (h) Inpatient Treatment (with a limit of once per lifetime).

#### *Comment 4*

**Nancy Barton:** the other, I guess, really alarming issue that we have been dealing with, with this whole Community Support Amendment is inpatient treatment [...]. There are programs, entities, Indian Health Service, Behavioral Health. I’m not understanding, there had to be a situation and of course, [...] all depends on who you know and who you are and so there was a procedural exception I believe made and whatever happened I’m glad they had a place to go, but there also is a cap, a \$5,000 cap or if there is assistance to get to treatment, because there are no other services, you can’t go to the clinic and say “can you give me gas money” to get a family member or through Behavioral Health. We don’t know what those services are. Those people have never come forward, Behavioral Health, I believe that before anything regarding inpatient treatment assistance, this seriously needs to be looked at, because are we saying ... you can go wherever you want, to the Betty Ford Clinic and we’re going to pay for that and then does that open it up to everybody and I believe that we’re not getting the entire story regarding what it is that Behavioral Health can and cannot do and also Indian Health Service. So, I don’t think that something that possibly can be a duplication of services.... I would say to further look into the situation. That it clearly needs to be organized, looked at to how much in the past have we paid; where have we made those payments to; is it directly to Keystone, is it to Mana Saythia and then when you go to treatment, you sometimes you also become eligible for Medicaid and Medicare through Wisconsin Badgercare and they will backdate three months. So all of those things need to be put into consideration before we agree, because some treatment centers charge \$90 a day and depending on where you want to go, if you want top shelf or you just want to go to the most local and then all of the other issues that go behind it, because this fund has never been where

they'll pay fines or they'll do things as far as court order or those kind of things, but if treatment is a court order, I think that is an important thing to document. We need to start documenting data, because if there is 40 people who are under court order or are they choosing to go treatment. Is it a product of another issue and it is, it always is. So I would like to say that it not be included until all of the information is brought forward.

### *Response*

The commenter is requesting that "inpatient treatment" no longer be included as a category of items covered by the Fund, at least until more information is brought forward regarding how this is applied. I understand the commenter to be identifying three main concerns.

First, she is concerned that the Fund does not elaborate upon which types of "inpatient treatment" are eligible for Fund coverage. If the LOC finds that it needs to elaborate further on this, it may specifically require it to be addressed in the Fund rules. Conversely, the LOC could leave this in the Fund operators discretion in recognition that regardless of what "type" of treatment center is funded, the cap remains the same for all applicants. Because there is a cap in place, the fund could operate efficiently with or without the elaboration requested by the commenter so the revision is a policy call for the Committee's consideration.

Second, she is concerned that inclusion of the "inpatient treatment" is a duplicative service to other services available to Tribal members through various resources. This concern is addressed through a couple of provision found in section 204.8 as follows:

204.8-2(b)...No assistance may be provided without sufficient documentation of proof that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by other agencies.

204.8-3. Documentation includes, but is not limited to: (a) Medical reports; (b) Bills or statements...(i) Applications for assistance from other agencies; (j) Approval of assistance or denial of assistance letters from other agencies.

Because the highlighted provisions should avoid the duplication of services, there are no recommended revisions based on this comment.

Third, she is concerned that if we generally include "inpatient treatment" without further elaboration that we may be paying for inpatient treatment required by a court order just the same as inpatient treatment voluntarily sought by a Tribal member. This concern is addressed by section 204.7-2(a) which provides that "benefits may be denied or limited if evidence is found ...[that] the catastrophic event, illness, injury or emergency event is the result of a violation of the law as proven by a citation or criminal conviction." The highlighted provision indicates that the commenter's concern has already been considered, accordingly, there are no recommended revisions based on this comment.

### **Comment 5 – Assistance with Paying Utilities Once Every Two Years**

204.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two



(2) years by the person listed as responsible to pay with the utility company.

*Language from the legislative analysis:*

“Assistance with paying utilities – currently, assistance can only be requested once every three years; the amendments reduce it to once every two years.”

*Comment 5*

**Nancy Barton:** ...currently, assistance can only be requested once every three years; the amendments reduce it to every two years. And so, the reason that I am commenting on that item is two weeks ago we had a family who was evicted from Oneida Housing Authority and when they were asked what the reasons were for their eviction, it was because of noncompliance with their utilities and so where my concern was is that there is federal, state and also tribal contribution that can be used for utilities and this family expressed to this Business Committee on this floor that they went to the Center for Self-Sufficiency and some of the programs were unable to help them. And to me it would seem that if there are programs with people to run them, and funding and the needs are not being met for the people, then why would you have the program? My concern at that time, when these people came forward, was that we are creating a homeless population and who is keeping the data. Who is keeping the statistical information regarding how many households are affected by the rules that are mandated by Oneida Housing Authority and my understanding within the last 30 days, the two cases that I know of, affected 13 tribal members. Every one of them was an enrolled tribal member and how did it affect those children. My concern was that those families came up here, they were separated, they were experiencing trauma and the issue did not get resolved on this floor. So I am asking that anything and everything that this Tribe can do to assist tribal members with their utilities, it can be done. There's what I refer to in raising my own children is the snowball effect. When all of a sudden one thing happens and you can't deal with it and then another thing happens, it turns into bigger and more problems. And when you can't deal with the first thing first and then more stuff is coming, that's what I call the snowball effect.

My recommendation would be that there be no provisions regarding when individuals need assistance regarding compliance with housing disconnection, potential for homelessness, because when you don't pay your utilities then they kick you out. So that would be my recommendation that each case be looked at on a case-by-case basis. These families are falling through the cracks. They're, I believe, not adequately being advocated for. There is not a social worker working in the Center for Self-Sufficiency who can take these people and guide them and back them and help them and advocate for them, so that families are not broken apart and become homeless. So that's my first one. I would recommend or want it to be either changed, deleted or removed the provision that says once every two years and that the Community Support Fund will properly budget and advocate for enrolled tribal members to prevent homelessness and provide assistance for utilities.

Further down [the legislative analysis] says “Various changes were made” and it doesn't make sense where you would put utility disconnections, but then it kind of crosses over. We're talking about utilities and then it says “New Items that were specifically covered”, well utilities are not a new item. They were an item that was covered from before and especially when they were disconnections, so I just wanted to make a point of why I didn't know it was listed under new items covered, because it already was.

### *Response*

The commenter is recommending that 204.6-3 be changed or deleted from the law so that assistance with the payment of utilities is not limited to once every two years but rather be available as needed in order to avoid an eviction for failure to pay utilities. The commenter correctly identifies the utility assistance is also available from the Center for Self Sufficiency. The commenter also correctly identifies that disconnection of utilities is a cause for eviction from the Oneida Housing Authority, as a home without utilities can create dangerous living conditions and may damage the rental unit. The policy behind this Fund and the Center for Self Sufficiency has been to assist Tribal members when they come across a time of need. That being said, the commenters request has the potential to lead to abuse wherein Tribal members rely on a combination of the Fund and/or the Center for Self Sufficiency to be the main or only contributor(s) to their household's utility payments. Whether to further expand the availability of utility assistance is a policy decision for the Committee.

The commenter is also concerned with language in the legislative analysis, which states that "utility disconnections" are a new category of item specifically covered by the Fund. Currently, the Fund may be used for "shelter and utilities where no other resources exist" [206.6-1(f).] The amended law replaces this with a provision stating that the fund may be used for "utility disconnections." 206.6-1(g). The analysis recognizes that assistance with "utility disconnections" is different from assistance with "shelter and utilities where no other resources exist." If the LOC agrees that the analysis should be clarified, then "utility disconnections" could be removed from the first column of the chart on page 2 of the analysis, and an extra bullet point could be added to the third column; stating: "instead of covering all shelter and utilities where no other resources exist, the Law now specifically states that utility disconnections may be covered."

### **Comment 6 – Reimbursement for Funeral Travel**

204.6-4. *Funeral expenses.* An applicant may be reimbursed for mileage or airfare expenses up to a maximum amount of five hundred dollars (\$500) for travel expenses to arrange or attend a funeral for immediate family members outside the state where the applicant resides.

#### *Comment 6*

**Trina Schuyler:** The problem with this language is that it only permits us to reimburse an applicant for travel expenses. Sometimes, a person may not have the money up front to pay for the travel, so reimbursement would not do much to help them. I would like to suggest changing this section to just say that applicants may be provided with assistance for travel expenses, and letting the fund operators establish any more specific details by rule. This gives us the flexibility to work out whether funds would be provided up front or reimbursed.

### *Response*

The commenter correctly identifies that, as drafted, the Fund may only reimburse applicants for funeral travel and are not permitted to provide assistance for funeral travel upfront. To be consistent with other assistance offered by the fund up front and not as a reimbursement, for example security deposits and utilities, I recommend that the LOC accept the commenter's suggestion and revise as follows:

204.6-4. *Funeral expenses.* An applicant may be ~~reimbursed~~ provided with assistance for mileage or airfare expenses, up to a maximum amount of five hundred dollars (\$500), for travel expenses to arrange or attend a funeral for immediate family members outside the state where the applicant resides.

## Comments 7 & 8 – Items Not Covered by the Fund

*Language from the legislative analysis (lines 89-102):*

A public meeting for this item was held on October 29, 2015. The main changes since that public meeting include:

This draft no longer includes hearing aids in the list of items the Fund will cover, and no longer includes appliance repair/replacement; stabilization rent assistance, or Department of Corrections re-entry assistance in the list of items the Fund will not cover.

### *Comment 7*

**Nancy Barton:** Okay, I appreciate adding stabilization rent, I caught that, [...] it's something that will be covered. Maybe a person just needs, and correct me if I'm wrong, it says that items that will now be covered is stabilization and also those individuals that are released from incarceration, so it will cover the Department of Corrections. And where my concerns about that was, say for instance, this person is released from prison and when they get out for whatever circumstances they have nothing, including the clothes on their back that they are released from prison and so to hold them up, I know I advocated for an individual and when he went there he was given a \$25 Wal-Mart card and he had his own jeans on, but he also, he still had the shirt from the prison and he wasn't able and sandals, rubber sandals, and he wasn't able to buy a pair of shoes. A \$25 did not cover, is not enough is what I am saying and it was deleted. The Department of Corrections it was deleted. If he went to prison, that was something that was not, or jail, so I'm glad it's added back in there, but I don't know what it is that you're going to provide for them. Let me see, I have number 100 and I said this before, there are times for whatever reason they went to jail or were incarcerated, now to me it's like we can do something to hold you up. We're not going to support you and do all that, but when circumstances arise there will (inaudible) [...] It says this draft no longer includes hearing aids in the list of items that will be covered and no longer includes appliance repair and replacement; stabilization rent assistance or Department of Corrections re-entry assistance is in the list of items the Fund will not cover. So what I am interpreting this to say is that now you are going to cover. [...] Now you are going to help these people, no you're not. Okay, then my comments are I would like to include stabilization rent assistance to prevent homelessness and assistance for individuals who are involved with the Department of Corrections and that has its own story and we already talked about that.

### *Comment 8*

**Trina Schuyler:** I recommend also that Line #99 that states "This draft no longer includes the hearing aids, appliance repair, stabilization rent assistance or the Department of Corrections re-entry assistance remains the same as there are not funds available to assist with those types of requests at this time.

### *Response*

The first comment is requesting that two categories be added to the list of items specifically covered by the Fund in section 204.6-1:

1. Stabilization rent assistance to prevent homelessness; and
2. The Department of Corrections re-entry fee.

The second comment is requesting that hearing aids, appliance repair, stabilization rent assistance and Department of Corrections re-entry assistance be added back in to the list of items not covered by the Fund and provides a lack of adequate funding as justification.

The first comment was based on the legislative analysis that accompanied this draft, which included a separate section identifying all of the changes that had been made to the draft since the first public meeting. One of those changes noted in the analysis was the removal of “stabilization rent assistance” and “Department of Corrections re-entry assistance” from the list of items not covered by the fund where a prior draft of the amendments had specifically included such items in the list of items not covered by the Fund.

The current draft maintains the status quo where the items highlighted by the commenters are neither specifically included or specifically excluded from the Fund’s coverage.

Whether to add stabilization rent and the Department of Corrections re-entry fee to the list of items specifically covered by the fund in section 204.6-1 as the first commenter requests is a policy decision for the LOC. Similarly, whether to add hearing aids, appliance repair, stabilization rent assistance and Department of Corrections re-entry assistance to the list of items specifically not covered by the fund in section 204.7-1 is also a policy decision for the LOC.

### **Comment 9 – Homeless Lodging Assistance**

204.7-1(h) The Fund shall not be used to cover payments that are not for a catastrophic event, illness, injury or emergency event as defined above. The following is a list of items not covered by the Fund; however, this is not an exhaustive list: ... (h) Homeless lodging assistance.

### *Comment 9*

**Nancy Barton:** the next item that I want to talk about in that same category is the new items specifically not covered and once again homeless lodging assistance and it is a subject in itself and a year ago there were people here, not here who should have been here and they were new and I don’t know where they were, but then when we starting working at these Community Support work meetings. You know all of this kind of information came out and so one of the directives or one of the things that came out of there is, how many people are being denied and where is that data and where are those statistics? Now we have the House of Hope that came for a donation from the tribe and that is one connection, you know, whose keeping track of how many Oneida women, single Oneida women with children are going there? Who’s doing that? And now St. John’s shelter opened yesterday. We have an enrolled tribal member who works there part-time. She’s a nurse and she’s also a social worker and her name is Lynn Metoxen and somebody needs to work with those people to keep track of how many enrolled tribal members are coming through those doors, whether it’s for one night or the entire season, because as far as her recollection goes, which the information from the people that work there try to keep is that

54 enrolled tribal members came through those doors last winter. And so if that's the data that they can give us that we've been waiting for, no one up until I think a year ago even cared to keep that data and there's pieces of it all over the place. On what application can you fill out does it say "are you currently homeless" and we need to ask those questions. Even though people are living with family members, there are requirements. You know you get kicked out of Housing and you're living with your mom who lives in Housing, you're setting up a situation where now everyone could potentially be kicked out, including the grandma. So I'm really upset that homeless is not added into this, because a year ago we said, I said, how could we ethically and morally not help those people and a whole budget year came, it's coming, and there's no plan and everybody says we love our people and we got a strong fire and we're (inaudible), but anyway I'm having a hard time connecting it all and so and I'm tired about how long everything takes.

### *Response*

The commenter is requesting that "homeless lodging assistance" be moved from the list of categories that is not covered by the Fund, to the list of categories that is covered by the Fund.

As identified earlier by the commenter, the Fund does not provide assistance specifically for homelessness. The Fund provides assistance in various ways to prevent Tribal members from becoming homeless following a catastrophic event, illness, injury or emergency event. Examples of how the Fund works to prevent homelessness include assistance with mortgage and rent payments, utility payment and security deposit payments. Security deposit payments specifically recognize an emergency basis to include a pending eviction and homelessness.

As mentioned earlier, this Committee has considered the inclusion of homelessness assistance in this law on several occasions and has consistently agreed that, while a relevant concern, it is a concern best addressed with a different set of resources. Whether to expand the scope of this Fund to include homelessness assistance is a policy decision for the Committee to make.

## **Comments 10, 11, 12 - Timeline for Appealing a Case Manager's Decision**

### **204.9. Appeal**

204.9-1. An appeal of the case manager's decision shall be requested in writing to the Area Manager within forty-five (45) business days after receipt of notice of the decision. Within ten (10) business days after receiving the appeal, the matter shall be reviewed by the Area Manager to determine if the decision should be overturned or upheld.

204.9-2. If the decision is upheld by the Area Manager, the decision may be appealed as a final decision to the Judiciary within twenty (20) business days of notice of the decision.

### *Comment 10*

**Nancy Barton:** The next line item [...] gives the case managers the ability to appeal the decisions within 45 days and I feel that that amount is excessive. When people come to this fund, it is a fund of last resort. They are experiencing emergency, trauma, whatever they are experiencing, they swallow their pride and they swallow their dignity and they went and asked for help and now they got to sit and wait. There are signs up all over this reservation and all kinds of programs that dictate to the people that they're servicing, some of they say that we will

let you know in 15 days. So you go home and you sit and you wait for an entire department that has, hopefully all the staff and money they need to make a decision and I think that some of it is excessive and unacceptable and this is one of them and that that amount of time for the appeal be reduced to ten (10) days. Give somebody ten (10) days. You know when you have all layers of management and all of the case managers you need, it's point blank are you eligible or you're not. Yes or no. So that's an excessive.

*Comment 11*

**Trina Schuyler:** One of the recommendations then I would like to make is I have, I agree with the Line #109 regarding the appeals process, 45 days is excessive. Currently we operate under a procedure that is ten (10) days, so if we could be consistent with the ten (10) day appeal process I don't have a problem with that and I would recommend that as well.

*Comment 12*

**Nancy Barton:** So there is another page, another part, Line #109 and it says "Appeals of the case manager must be submitted to the Area Manager within 45 days" and then "The Area Manager can take ten (10) days and then it can take 24 days or 20 more days and I think those amounts are excessive and you need to lessen them and it needs to happen as fast as it can as far as the appeal process. I don't know what any other appeal process that are followed in the tribe, but to me that is excessive and it should be given consideration because these people are in need.

*Response*

The first commenter seems to be under the impression that section 204.9-1 implies an applicant is required to wait 45 days to receive a response whether their request will be funded or not. However that is not the case, section 204.9-1 provides an applicant that has been denied or not fully funded with 45 days to appeal the Case Manager's decision to the Area Manager. This provides the benefit to the Tribal member applicant. The law does not include a required timeline for an initial decision regarding whether or not an application request will be funded. Whether to add this timeline directly into the law, or to specifically delegate a responsibility to the Fund operator to create a timeline in the rules, is a policy call for the Committee's determination. It is my understanding that, based on discussion with the legislative analyst, Ms. Schuyler has recommended that if such a timeline is incorporated into the law that she would support requiring a decision within 10 business days with an extended timeframe if additional information is required. If the LOC chooses to implement a timeframe, I recommend section 204.9 be modified from "Appeal" to "Decision and Appeal" and that the decision piece be incorporated as 204.9-1 as follows:

The Case Manager shall notify the applicant of the decision regard the applicant's request for funding within ten (10) business days from the date the application was received, provided that this timeframe may be extended if additional documentation is required from the applicant. The Case Manager shall request any additional documentation required to make a decision within five (5) business days from the date the application was received and, subject to section 204.8-4, shall notify the applicant of the decision regarding the applicant's request for funding within five (5) business days from the date the additional information was received.

In the second comment, the commenter has indicated that while the policy is currently silent as to appeal deadlines, the Fund currently requires appeals to be submitted within 10 days of the case manager's decision. The commenter requests that the practice of requiring a 10 business day timeframe, as opposed to a 45 business day timeframe, for filing an appeal be maintained in the law. It is a policy decision for this Committee whether to shorten the timeframe for filing an appeal in order to align with current practice.

The third comment speaks to the length of the appeal process in general and suggests that a shorten appeal period should be implemented. Regardless of how long the applicant has to file an appeal, the law provides the area manager with 10 business days to make a decision. From the date of the appeal decision, the law affords the applicant with 20 business days to appeal with the Oneida Judiciary. The timeframe for a decision from the Judiciary is appropriately not contained in this law, as that speaks to judicial process.

Any shortening of the appeal process, in the Committee's discretion may be done in regard to the timeline to file an appeal to the area manager and/or the area manager's timeline to issue a decision. Section 204.9-2, which provides 20 business days to appeal to the Judiciary, is improper because that timeline is provided in the rules of appellate procedure and provides the appellant with 30 days from the date of the decision. *See Rules of Appellate Procedure § 154.5-2(a)*. Regardless of whether or not the Committee decides to shorten the timeframe for appeal by adjusting the appeal to the area manager, at a minimum, section 204.9-2 should be revised to read as follows:

204.9-2. An applicant may appeal the Area Manager's decision to the Oneida Court of Appeals in accordance with the Rules of Appellate Procedure.

### **Comment 13 – General comment about assistance for disabled/handicapped persons**

#### *Comment 13*

**Nancy Barton:** The other thing that I want to comment on is that resolution 6-30-90-A regarding the assistance that is supposed to be covered for handicapped and disabled people was never followed and so we have a gap. We're seeing it in the Finance Committee, we're seeing it in the Treasurer's office, we're seeing people coming forward where there's no way that they can get assistance. Some of it I believe is necessary, some of it is unnecessary, but this was created in 1990 and [...] I believe that, you know, if this was followed, we'd have \$10 million dollars now and be able to be servicing the people who are on disability and handicapped off of the interest. The plan was that the principal would not be touched and it would be invested .... And so now supposedly somebody came to and there is a plan being put together, but I don't think it's good enough. I don't think that this fund that went without should be... It's thrown some peanuts and then we wait another whole year for somebody to come up with a definition of who's handicapped and disabled. So whatever way it is that all you people get paid to do these kinds of things would get together so that we don't have to wait a whole another year for disabled and handicapped people to get assistance and so thank you very much.



*Response*

This comment is not specifically related to the Community Support Fund. The commenter is urging the Nation to facilitate greater assistance for disabled and handicapped persons in general. The commenter has not identified any issues specifically related to the language of the law, accordingly, there are no recommended revisions based on this comment.

**Comment 14 – General Comment Regarding Districting***Comment 14*

**Chaz Wheelock:** As we have these public hearings it is very, very important that we visit the process of having a public hearing. Obviously there are three people here today and do we represent 17,000 Oneidas, I don't think so. There is no process for me to represent 17,000. But I can speak about them and I think the process that I'm advocating for is districting. Getting smaller meetings, talking about the same subjects, so by the time you come here you have nine (9) people representing 17,000, in theory. That is just another suggestion.

*Response*

This comment is not specifically related to the Community Support Fund; instead it speaks to the public meeting process contained in the Legislative Procedures Act, which is not currently under amendment. The commenter has neither identified any specific issues nor requested any specific changes related to the proposed law, accordingly, there are no recommended revisions based on this comment.

**Comment 15 – General Comments Regarding Converting the Existing Policy into a Law, and Defining the Tribal Community***Comment 15*

**Chaz Wheelock:** Taking a policy into a law is very dangerous. I think we really need to be careful in how we transfer policy because it follows a process into a law. All of you have seen Pirates of the Caribbean and know about the guidelines. The guidelines, no it wasn't a law, it was a guideline to direct people into things, so I think it is really, really important that we understand the definitions as we go about an ordinance into a law, a policy into a law and the intent there that's made. Because the intent of the law is different than the law's interpretation many times, and that's where a lot of the gray area comes up. As I looked at the amendments, the big part I think are the definitions are who's our Oneida community? It's for tribal members but in specifics in there you have a tribal member or non-tribal member come forward as long as there is a tribal member in the household, so you get into who is that tribal member in the house, an adult, a child, and so it gets into some clarification I think we need to apply to all our laws, who is our Oneida community these days. It's no longer just a tribal member married to tribal member, you know, so it comes into are they lineal descent, if you get into those type of issues. I think that's a very important part of as we go about the functions that you have as coming together with who is our Oneida community and it's almost related to what is the Sustain Oneida work or what is Oneida. We still haven't really come to full clarification on what that definition is, outside just the blood issue, so that's one part.

And the only other comment I had overall is I think the intent of having the various amendments and putting some consistency between policy and law is well intended, but again I think there is a danger in doing that with not having the definition of who is our community, really dangerous place. Because again, it's for tribal members, but then again it's a tribal member fund. It's kind of like the housing situation as is related. Housing situation following Maslow's laws that things that people should have, maybe that's the basis we have our own Community Fund based on Maslow's laws. We already made the laws and it seems universal and they seem to apply to Indians and non-Indians as well, so it's not about race, it's about the needs of the human being. But I say that because I think as we look at who our community is and how we support that community, if we deal the basic needs, then everything else kind of falls after that and sometimes the interpretation of what my want is versus a need and so I just suggest strongly that we take the time to look at the definitions and where there's a gray area that we not necessarily make it black and white, but understand that gray area is not a bad thing, but it needs to be factored into making decisions, because sometimes [...] there's a lot of interpretation by people and some of the politics comes up in that and it's not necessarily about me, it's about the Indian politics is just the same as other people, politics in making decisions. I encourage you to look at that as you go about making changes to our laws and not just automatically strike policy into law, because I think we've done it before when we adopted the I don't want to say the White man's, but Wisconsin law. We just cross out Wisconsin and put Oneida, I think that's a mistake until we look clearly at what's all in there, what was the intent. And then the letter of the law is different than the intent of the law, sometimes. So I think crossing out words is dangerous.

### *Response*

The commenter is expressing concern with re-titling the Community Support Fund Policy as a law, and encouraging the LOC to not automatically "strike policy into law."

Over the past several years, the Nation has adopted various legislative proposals - some titled as laws, and others titled as policies. There has been no discernible difference between a law and a policy; they have been processed and adopted the same way, and had the same force and effect. This term, the LOC determined that consistency in language would improve the Nation's body of laws, and formally decided that, moving forward, all policies would be re-titled as laws.

The Commenter is also seeking a broader policy discussion about defining the Oneida community; and a policy determination as to how the Nation supports this community. The proposed Law states that the only persons eligible for assistance from the Fund are enrolled Oneida members, and that they do not need to be a resident of Wisconsin to qualify for assistance, except for assistance with security deposits. *See* §§ 204.4-2 and 204.4-3.

The commenter has neither identified any specific issues nor requested any specific changes related to the proposed law, accordingly, there are no recommended revisions based on this comment.

Draft #10 (Public Meeting Draft)  
11/16/16

**Chapter 204**  
**Community Support Fund**

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**204.1. Purpose and Policy**

204.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the Oneida Nation who apply for assistance to the Fund in times of a catastrophic event, illness, injury or emergency event when no other resources for assistance exist.

204.1-2. *Policy.* It is the policy of the Oneida Nation to assist their people in a time of need after a catastrophic event, illness, injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

**204.2. Adoption, Amendment, Repeal**

204.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-1-13-D and BC-\_\_\_\_\_.

204.2-2. 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.

204.2-3. 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.

204.2-4. 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.

204.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**204.3. Definitions**

204.3-1. 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) "Applicant" means the subject of the application for assistance.

(b) "Business days" means Monday through Friday 8:00 a.m. to 4:30 p.m., excluding Nation holidays.

(c) "Case manager" means an employee responsible for administering Fund benefits.

(d) "Catastrophic event" means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover (i.e. house fire, tornado, flood, or other disaster).

(e) "Catastrophic illness or injury" means a serious debilitating illness, injury, impairment, or physical or mental condition that involves:

(1) in-patient care; or

(2) a period of continuing treatment due to a chronic serious health condition (such as chemotherapy/radiation, dialysis, daily/weekly therapy resulting from trauma, etc.); or

(3) a period of illness or injury that is long-term due to a condition for which treatment may be ineffective (stroke, terminal disease, etc.); or

(4) multiple treatments either for restorative surgery after an accident or other injury, or for a chronic condition. (i.e. cancer or kidney disease)

(f) “Emergency event” means a situation that poses an immediate risk to health, life, safety, property or environment. Emergencies require urgent intervention to prevent further illness, injury, death, or other worsening of the situation.<sup>123</sup>

(g) “Emergency medical travel” means an unexpected serious health situation or occurrence, requiring the immediate presence of immediate family. (i.e., end of life situation, life support, etc.)

(h) “Fund” means the Community Support Fund.

(i) “Immediate family” means that group of persons who make up a family unit normally defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and grandchildren, and/or a person who has legal responsibility for the applicant.

(j) “Legal guardian” means a person who has the legal authority to care for the personal and property interests of another person granted through Court order.

(k) “Legal responsibility” means specific duties imposed upon a person to care or provide for another including liability for personal obligations as granted through a Power of Attorney or Court order.

(l) “Major medical surgery” means a surgical procedure that carries a degree of risk to the patient’s life, or the potential for severe disability if something goes wrong during surgery. It is a surgical procedure that usually requires a patient to be put under general anesthesia and given respiratory assistance because he or she cannot breathe independently.

(m) “Nation” means the Oneida Nation.

(n) “Rule” means a set of requirements enacted in accordance with the Administrative Rulemaking law.

(o) “Tribal” means the Oneida Nation.

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1 **Nancy Barton (oral comment):** So the next line I would like to move to is Line #66 and in that sentence it says “Currently the fund was used for a catastrophic event or illness and the amendments add that assistance also covers an “emergency event”. And I’m for the poor people, I’m for the underdog, but I’m worried about whose interpretation of an emergency event. You know one of my daughters is a drama queen and her interpretation of an emergency event is I’m on a quarter of a tank of gas and so it’s like ...don’t go anywhere. And my interpretation of an emergency event is way different and so ... whose interpretation. You know there needs to be a list.

2 **Nancy Barton (oral comment):** Could we add homelessness in there, prevent homelessness? That would be my recommendation to add to prevent homelessness. And then, I’m almost done.

3 **Trina Schuyler (oral comment):** Also the request for the homeless assistance not be considered as part of the Community Support again, because due to the funding availability there is not enough, there is not a large enough budget to address the homeless population specifically in regards to what that would entail. That’s a larger, broader scope that I know we have talked about in the past regarding a facility, regarding shelter or whatever that may look like and I know Housing is working on that as well, but in this current fund there is no availability for that use either.

**204.4. Responsibilities, Eligibility and Qualifications**

204.4-1. The Social Services Area of the Governmental Services Division shall be responsible for operation of the Fund, but may designate the operation of the Fund to a department within its control.

(a) The operators of the Fund shall promulgate rules, for the administration of the Fund that are consistent with this law. The rules:

(1) shall include the list of categories the Fund covers and a cap that sets the amount of assistance per event/ per household, except for funeral expenses which shall be set per event/per person.

(2) may include additional items not listed in section 204.6, as long as the rule does not conflict with this law.

(b) The Governmental Services Division Director shall report quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the amount of funds paid out under each category.

(c) The Social Services Area or designee shall ensure that the Nation's membership is informed of what assistance is available through the Fund, how to apply for assistance, and specify who is eligible for assistance.

204.4-2. Eligibility for assistance provided under the Fund is reserved for enrolled members of the Nation. Applications may be made by a non-member on the behalf of an enrolled member of the Nation, provided the requested funds will benefit the member only and the non- member has one (1) of the following relationships to the applicant:

(a) is a parent of the applicant

(b) is the legal guardian of the applicant

(c) has legal responsibility for the applicant

204.4-3. Residency within the state of Wisconsin is not a prerequisite for assistance, except for requests for a security deposit in accordance with section 204.6-2.

204.4-4. The Fund is a fund of last resort and provides assistance when there is no other financial assistance available or all other assistance has been exhausted. Applicants shall first seek out other resources that can meet the needs of their request. Proof of requesting assistance from other sources shall be provided with the application.

204.4-5. The following types of catastrophic events, illnesses or injuries qualify an applicant for assistance:

(a) Terminally ill

(b) Physically challenged or incapacitated

(c) Major medical surgery

(d) Life threatening (i.e. cancer, AIDS, stroke, disabling injuries due to motor vehicle accident, etc.)

(e) Natural disaster (i.e. tornado, fire, flood, etc.)

(f) Death in immediate family as identified in section 204.6-1(m).

204.4-6. Assistance may be denied or limited for applicants who have elected not to be covered by employer benefits such as disability or health insurance.

204.4-7. All payments shall be provided directly to the service provider. However, payments for funeral travel shall be reimbursed to the applicant.

204.4-8. Assistance available under the Fund is subject to change according to fiscal year funding levels.

204.4-9. Oneida programs and enterprises are not eligible for these funds.

#### **204.5. Priorities for Consideration**

204.5-1. The case manager shall determine the level of assistance to be provided based on:

- (a) Severity of event, illness, injury or emergency event
- (b) Cost (usual and customary fees)
- (c) Amount of time elapsed since catastrophic event, illness, injury or emergency event occurred
- (d) The Fund's appropriate promulgated rules

204.5-2. The case manager shall assess each individual case, prioritize and assist with immediate needs. Priorities are as follows:

- (a) Life-threatening emergency requests
- (b) Emergency medical travel
- (c) Other needs

#### **204.6. Items Covered by the Fund**

204.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic event, illness, injury or emergency event. Upon verification of a catastrophic event, illness, injury or emergency event, the Fund may be used for the following:

- (a) COBRA Insurance Payments
- (b) Prescriptions not available through an Indian Health Services clinic
- (c) Medical transportation/emergency medical travel including vehicle repairs
- (d) Medical-related equipment, supplies, or furniture
- (e) Medical bills (dental, optical, hospital) not covered by insurance
- (f) Mortgage payments and rent payments (including security deposits), where no other resources exist in accordance with section 204.6-2
- (g) Utility disconnections in accordance with section 204.6-3
- (h) Inpatient Treatment (with a limit of once per lifetime)<sup>4</sup>

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**4 Nancy Barton (oral comment):** Let's see, the other, I guess, really alarming issue that we have been dealing with, with this whole Community Support Amendment is inpatient treatment and I brought it up before. There are programs, entities, Indian Health Service, Behavioral Health. I'm not understanding, there had to be a situation and of course, I'll use Cathy Metoxen sayings, all depends on who you know and who you are and so there was a procedural exception I believe made and whatever happened I'm glad they had a place to go, but there also is a cap, a \$5,000 cap or if there is assistance to get to treatment, because there are no other services, you can't go to the clinic and say "can you give me gas money" to get a family member or through Behavioral Health. We don't know what those services are. Those people have never come forward, Behavioral Health, I believe that before anything regarding inpatient treatment assistance, this seriously needs to be looked at, because are we saying you know, you can go wherever you want, to the Betty Ford Clinic and we're going to pay for that and then does that open it up to everybody and I believe that we're not getting the entire story regarding what it is that Behavioral Health can and cannot do and also Indian Health Service. So, I don't think that something that possibly can be a duplication of services.

I would say to further look into the situation. That it clearly needs to be organized, looked at to how much in the past have we paid; where have we made those payments to; is it directly to Keystone, is it to Mana Saythia and then when you go to treatment, you sometimes you also become eligible for Medicaid

- (i) Fire recovery/natural disaster assistance
- (j) Home renovations required for handicap accessibility
- (k) Family Medical Leave Act wage replacement
- (l) Waiting period for a Social Security Disability Determination rent and utility assistance
- (m) Travel expenses to arrange or attend a funeral for immediate family members outside the state where an applicant resides, in accordance with section 204.6-4.

204.6-2. *Security deposit.* The Fund shall only provide assistance for a security deposit when it is tied to or a result of a catastrophic event, illness injury or emergency event, on an emergency basis which shall include, but is not limited to, pending eviction and homelessness. Security deposit assistance is limited to Tribal members who are Wisconsin residents only.

(a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The operators of the Fund shall not co-sign any lease.

(b) Security deposits are non-transferable and the amount paid for a security deposit shall be paid back to the Fund before another security deposit is issued at any time in the future.

(c) Only one (1) request per household shall be considered; multiple consecutive requests may be made.

204.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two (2) years by the person listed as responsible to pay with the utility company.<sup>5</sup>

and Medicare through Wisconsin Badgercare and they will backdate three months. So all of those things need to be put into consideration before we agree, because some treatment centers charge \$90.00 a day and depending on where you want to go, if you want top shelf or you just want to go to the most local and then all of the other issues that go behind it, because this fund has never been where they'll pay fines or they'll do things as far as court order or those kind of things, but if treatment is a court order, I think that is an important thing to document. We need to start documenting data, because if there is 40 people who are under court order or are they choosing to go treatment. Is it a product of another issue and it is, it always is. So I would like to say that it not be included until all of the information is brought forward.

**5 Nancy Barton (oral comment):** I'll start by saying number 24, line #24, that says assistance with paying utilities – currently, assistance can only be requested once every three years; the amendments reduce it to every two years. And so, the reason that I am commenting on that item is two weeks ago we had a family who was evicted from Oneida Housing Authority and when they were asked what the reasons were for their eviction, it was because of noncompliance with their utilities and so where my concern was is that there is federal, state and also tribal contribution that can be used for utilities and this family expressed to this Business Committee on this floor that they went to the Center for Self-Sufficiency and some of the programs were unable to help them. And to me it would seem that if there are programs with people to run them, and funding and the needs are not being met for the people, then why would you have the program? My concern at that time, when these people came forward, was that we are creating a homeless population and who is keeping the data. Who is keeping the statistical information regarding how many households are affected by the rules that are mandated by Oneida Housing Authority and my understanding within the last 30 days, the two cases that I know of, affected 13 tribal members. Every one of them was an enrolled tribal member and how did it affect those children. My concern was that those families came up here, they were separated, they were experiencing trauma and the issue did not get resolved on this floor. So I am asking that anything and everything that this Tribe can do to assist tribal members with their utilities, it can be done. There's what I refer to in raising my own children is the snowball effect. When all of a sudden one thing happens and you can't deal with it and then another



176 204.6-4. *Funeral expenses*. An applicant may be reimbursed for mileage or airfare expenses up  
177 to a maximum amount of five hundred dollars (\$500) for travel expenses to arrange or attend a  
178 funeral for immediate family members outside the state where the applicant resides.<sup>6</sup>

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thing happens, it turns into bigger and more problems. And when you can't deal with the first thing first and then more stuff is coming, that's what I call the snowball effect [...]

My recommendation would be that there be no provisions regarding when individuals need assistance regarding compliance with housing disconnection, potential for homelessness, because when you don't pay your utilities then they kick you out. So that would be my recommendation that each case be looked at on a case by case basis. These families are falling through the cracks. They're, I believe not adequately being advocated for. There is not a social worker working in the Center for Self-Sufficiency who can take these people and guide them and back them and help them and advocate for them, so that families are not broken apart and become homeless. So that's my first one. I would recommend or want it to be either changed, deleted or removed the provision that says once every two years and that the Community Support Fund will properly budget and advocate for enrolled tribal members to prevent homelessness and provide assistance for utilities [...]

Further down under number 28 and 29 it says "Various changes were made" and it doesn't make sense where you would put utility disconnections, but then it kind of crosses over. We're talking about utilities and then it says "New Items that were specifically covered", well utilities are not a new item. They were an item that was covered from before and especially when they were disconnections, so I just wanted to make a point of why I didn't know it was listed under new items covered, because it already was.

**6 Trina Schuyler (written comment):** The problem with this language is that it only permits us to reimburse an applicant for travel expenses. Sometimes, a person may not have the money up front to pay for the travel, so reimbursement would not do much to help them. I would like to suggest changing this section to just say that applicants may be provided with assistance for travel expenses, and letting the fund operators establish any more specific details by rule. This gives us the flexibility to work out whether funds would be provided up front or reimbursed.

**204.7. Items not Covered by the Fund<sup>78</sup>**

204.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event, illness, injury or emergency event as defined above. The following is a list of items not covered by the Fund; however, this is not an exhaustive list:

- (a) Car payments
- (b) Taxes
- (c) Credit card or charge accounts
- (d) Commercial loans
- (e) Defaults/fines/bankruptcy charges
- (f) Expenses not tied to basic needs (cable, internet, memberships, etc.)
- (g) Legal fees/court costs/judgments
- (h) Homeless lodging assistance<sup>9</sup>

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7 **Nancy Barton (oral comment):** Okay, I appreciate adding stabilization rent, I caught that, you know it's something that will be covered. Maybe a person just needs, and correct me if I'm wrong, it says that items that will now be covered is stabilization and also those individuals that are released from incarceration, so it will cover the Department of Corrections. And where my concerns about that was, say for instance, this person is released from prison and when they get out for whatever circumstances they have nothing, including the clothes on their back that they are released from prison and so to hold them up, I know I advocated for an individual and when he went there he was given a \$25.00 Wal-Mart card and he had his own jeans on, but he also, he still had the shirt from the prison and he wasn't able and sandals, rubber sandals, and he wasn't able to buy a pair of shoes. A \$25.00 did not cover, is not enough is what I am saying and it was deleted. The Department of Corrections it was deleted. If he went to prison, that was something that was not, or jail, so I'm glad it's added back in there, but I don't know what it is that you're going to provide for them. Let me see, I have number 100 and I said this before, there are times for whatever reason they went to jail or were incarcerated, now to me it's like we can do something to hold you up. We're not going to support you and do all that, but when circumstances arise there will (inaudible) In this one that I got (inaudible). This is what I got for a packet from Jennie Falck and so the number on the line says 98 and 99. It says this draft no longer includes hearing aids in the list of items that will be covered and no longer includes appliance repair and replacement; stabilization rent assistance or Department of Corrections re-entry assistance is in the list of items the Fund will not cover. So what I am interpreting this to say is that now you are going to cover [...] Now you are going to help these people, no you're not. Okay, then my comments are I would like to include stabilization rent assistance to prevent homelessness and assistance for individuals who are involved with the Department of Corrections and that has its own story and we already talked about that.

8 **Trina Schuyler (oral comment):** I recommend also that Line #99 that states "This draft no longer includes the hearing aids, appliance repair, stabilization rent assistance or the Department of Corrections re-entry assistance remains the same as there are not funds available to assist with those types of requests at this time.

9 **Nancy Barton (oral comment):** Okay the next item that I want to talk about in that same category is the new items specifically not covered and once again homeless lodging assistance and it is a subject in itself and a year ago there were people here, not here who should have been here and they were new and I don't know where they were, but then when we starting working at these Community Support work meetings. You know all of this kind of information came out and so one of the directives or one of the things that came out of there is, how many people are being denied and where is that data and where are those statistics? Now we have the House of Hope that came for a donation from the tribe and that is one connection, you know, whose keeping track of how many Oneida women, single Oneida women with

(i) Health membership fees

(j) Food and personal care items

204.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the following:

(a) The catastrophic event, illness, injury or emergency event is the result of a violation of the law as proven by a citation or criminal conviction,

(b) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of other Nation programs, policies or laws, or

(c) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of the Fund.

204.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall provide an explanation of the decision in writing to the applicant with a copy placed in the applicant's file.

## **204.8 Application Requirements**

204.8-1.

(a) To be considered for assistance and before receiving assistance the applicant shall complete the full application process. All applicants shall cooperate with the case manager to assist the case manager in comprehensively addressing the needs of the applicant(s).

(b) Every application shall contain a space for the applicant to identify a preferred method of contact. This shall be the primary contact method. Case managers shall follow up every contact with written correspondence, in order to make responses to the applicant in a timely manner so as to meet the applicant's needs.

204.8-2. Supporting documentation is required in all cases. The applicant is responsible to provide all documentation requested by the case manager. No assistance may be provided without sufficient documentation of:

(a) the catastrophic event, illness, injury or emergency event.

(b) proof that the applicant sought assistance from other agencies with an explanation of

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children are going there? Whose doing that? And now St. John's shelter opened yesterday. We have an enrolled tribal member who works there part-time. She's a nurse and she's also a social worker and her name is Lynn Metoxen and somebody needs to work with those people to keep track of how many enrolled tribal members are coming through those doors, whether it's for one night or the entire season, because as far as her recollection goes, which the information from the people that work there try to keep is that 54 enrolled tribal members came through those doors last winter. And so if that's the data that they can give us that we've been waiting for, no one up until I think a year ago even cared to keep that data and there's pieces of it all over the place. On what application can you fill out does it say "are you currently homeless" and we need to ask those questions. Even though people are living with family members, there are requirements. You know you get kicked out of Housing and you're living with your mom who lives in Housing, you're setting up a situation where now everyone could potentially be kicked out, including the grandma. So I'm really upset that homeless is not added into this, because a year ago we said, I said, how could we ethically and morally not help those people and a whole budget year came, it's coming, and there's no plan and everybody says we love our people and we got a strong fire and we're (inaudible), but anyway I'm having a hard time connecting it all and so and I'm tired about how long everything takes. We have a half a billion dollar budget coming that's not...

benefits received or refusal of assistance by the other agencies.

(c) enrollment in the Nation.

(d) all household income the last thirty (30) business days immediately prior to the submission of the application.

(e) status of employment which shall include:

(1) leave of absence paperwork

(2) balance of personal and vacation time accumulation

(3) disability insurance or workmen's compensation coverage

204.8-3. Documentation includes, but is not limited to:

(a) Medical reports

(b) Bills or statements

(c) Estimates

(d) Letters

(e) Police or fire reports

(f) Obituary or formal notice of death

(g) Check stubs

(h) Pictures or photographs

(i) Applications for assistance from other agencies

(j) Approval of assistance or denial of assistance letters from other agencies

204.8-4. Requests submitted without supporting documentation shall be kept on file for thirty (30) business days.

(a) The case manager shall request additional information be provided when an application contains insufficient information to make an informed decision.

(b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

(c) Failure to submit the requested information within the thirty (30) business days shall result in closing the application file, with no further action taken in regard to that application.

(d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file being closed.

(e) After the file is closed, the applicant shall start the application process over again in order to be considered for assistance from the Fund. However, no applicant may re-apply for the same catastrophic event, illness, injury or emergency event more than the limit stated within this law or the Fund's rules.

204.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed thirty (30) business days of a catastrophic event or illness, injury or emergency event. Applications made after thirty (30) business days shall not be considered.

**204.9. Appeal**

204.9-1. An appeal of the case manager's decision shall be requested in writing to the Area Manager within forty-five (45) business days after receipt of notice of the decision. Within ten (10) business days after receiving the appeal, the matter shall be reviewed by the Area Manager to determine if the decision should be overturned or upheld.

204.9-2. If the decision is upheld by the Area Manager, the decision may be appealed as a final decision to the Judiciary within twenty (20) business days of notice of the decision.<sup>101112</sup>

*End.*

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10 **Nancy Barton (oral comment):** Okay, the next line item is Line #52 and it gives the case managers the ability to appeal the decisions within 45 days and I feel that that amount is excessive. When people come to this fund, it is a fund of last resort. They are experiencing emergency, trauma, whatever they are experiencing, they swallow their pride and they swallow their dignity and they went and asked for help and now they got to sit and wait. There are signs up all over this reservation and all kinds of programs that dictate to the people that they're servicing, some of them say that we will let you know in 15 days. So you go home and you sit and you wait for an entire department that has, hopefully all the staff and money they need to make a decision and I think that some of it is excessive and unacceptable and this is one of them and that that amount of time for the appeal be reduced to ten (10) days. Give somebody ten (10) days. You know when you have all layers of management and all of the case managers you need, it's point blank are you eligible or you're not. Yes or no. So that's an excessive.

11 **Trina Schuyler (oral comment):** One of the recommendations then I would like to make is I have, I agree with the Line #109 regarding the appeals process, 45 days is excessive. Currently we operate under a procedure that is ten (10) days, so if we could be consistent with the ten (10) day appeal process I don't have a problem with that and I would recommend that as well.

12 **Nancy Barton (oral comment):** So there is another page, another part, Line #109 and it says "Appeals of the case manager must be submitted to the Area Manager within 45 days" and then "The Area Manager can take ten (10) days and then it can take 24 days or 20 more days and I think those amounts are excessive and you need to lessen them and it needs to happen as fast as it can as far as the appeal process. I don't know what any other appeal process that are followed in the tribe, but to me that is excessive and it should be given consideration because these people are in need.

13 **Nancy Barton (oral comment):** The other thing that I want to comment on is that resolution 6-30-90-A regarding the assistance that is supposed to be covered for handicapped and disabled people was never followed and so we have a gap. We're seeing it in the Finance Committee, we're seeing it in the Treasurer's office, we're seeing people coming forward where there's no way that they can get assistance. Some of it I believe is necessary, some of it is unnecessary, but this was created in 1990 and I want to give you a copy because I believe that, you know, if this was followed, we'd have \$10 million dollars now and be able to be servicing the people who are on disability and handicapped off of the interest. The plan was that the principal would not be touched and it would be invested and blah, blah, blah. And so now supposedly somebody came to and there is a plan being put together, but I don't think it's good enough. I don't think that this fund that went without should be... It's thrown some peanuts and then we wait another whole year for somebody to come up with a definition of who's handicapped and disabled. So whatever way it is that all you people get paid to do these kinds of things would get together so that we don't have to wait a whole another year for disabled and handicapped people to get assistance and so thank you very much.

14 **Chaz Wheelock (oral comment):** As we have these public hearings it is very, very important that we

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Adopted - BC-5-15-96-A

Amended - BC-1-8-97-G

Amended - BC-12-11-13-D

Amended - BC-

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visit the process of having a public hearing. Obviously there are three people here today and do we represent 17,000 Oneidas, I don't think so. There is no process for me to represent 17,000. But I can speak about them and I think the process that I'm advocating for is districting. Getting smaller meetings, talking about the same subjects, so by the time you come here you have nine (9) people representing 17,000, in theory. That is just another suggestion.

**15 Chaz Wheelock (oral comment):** The other comment I have quickly as I get into the specificity of this, and again taking a policy into a law is very dangerous. I think we really need to be careful in how we transfer policy because it follows a process into a law. All of you have seen Pirates of the Caribbean and know about the guidelines. The guidelines, no it wasn't a law, it was a guideline to direct people into things, so I think it is really, really important that we understand the definitions as we go about an ordinance into a law, a policy into a law and the intent there that's made. Because the intent of the law is different than the law's interpretation many times, and that's where a lot of the gray area comes up. As I looked at the amendments, the big part I think are the definitions are who's our Oneida community? It's for tribal members but in specifics in there you have a tribal member or non-tribal member come forward as long as there is a tribal member in the household, so you get into who is that tribal member in the house, an adult, a child, and so it gets into some clarification I think we need to apply to all our laws, who is our Oneida community these days. It's no longer just a tribal member married to tribal member, you know, so it comes into are they lineal descent, if you get into those type of issues. I think that's a very important part of as we go about the functions that you have as coming together with who is our Oneida community and it's almost related to what is the Sustain Oneida work or what is Oneida. We still haven't really come to full clarification on what that definition is, outside just the blood issue, so that's one part.

And the only other comment I had overall is I think the intent of having the various amendments and putting some consistency between policy and law is well intended, but again I think there is a danger in doing that with not having the definition of who is our community, really dangerous place. Because again, it's for tribal members, but then again it's a tribal member fund. It's kind of like the housing situation as is related. Housing situation following Maslow's laws that things that people should have, maybe that's the basis we have our own Community Fund based on Maslow's laws. We already made the laws and it seems universal and they seem to apply to Indians and non-Indians as well, so it's not about race, it's about the needs of the human being. But I say that because I think as we look at who our community is and how we support that community, if we deal the basic needs, then everything else kind of falls after that and sometimes the interpretation of what my want is versus a need and so I just suggest strongly that we take the time to look at the definitions and where there's a gray area that we not necessarily make it black and white, but understand that gray area is not a bad thing, but it needs to be factored into making decisions, because sometimes as Nancy mentioned earlier, there's a lot of interpretation by people and some of the politics comes up in that and it's not necessarily about me, it's about the Indian politics is just the same as other people, politics in making decisions. I encourage you to look at that as you go about making changes to our laws and not just automatically strike policy into law, because I think we've done it before when we adopted the I don't want to say the White man's, but Wisconsin law. We just cross out Wisconsin and put Oneida, I think that's a mistake until we look clearly at what's all in there, what was the intent. And then the letter of the law is different than the intent of the law, sometimes. So I think crossing out words is dangerous.



## LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING

### Community Support Fund Amendments

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
November 3, 2016 12:15 p.m.

**Present:** Fawn Billie, David P. Jordan, Tani Thurner, Nancy Barton, Nadine Skenandore, Trina Schuyler, Chaz Wheelock

**Fawn Billie:** Good afternoon everyone for today's Public Hearing. The time is 12:15 p.m. and today's date is Thursday, November 3, 2016. I will now call the public meeting for the Community Support Fund Amendments to order. The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding this legislative proposal. All persons who wish to present oral testimony need to register on the sign-in sheet at the back of the room, which David has up here right now. Written comments may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, inter-office mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Thursday, November 10, 2016.

In attendance from the LOC is: Fawn Billie, Councilwoman and David Jordan, Councilman. We will begin today's public meeting for the Community Support Fund Amendments. This is a proposal for amendments to the Community Support Fund that would clarify that the Fund is a fund of last resort, require applicants to submit additional documentation when requesting assistance from the Fund, remove provisions related to cost-sharing, delegate administrative rulemaking authority to the Social Services Area (or designee), to promulgate additional rules governing the administration of the Community Support Fund, revise the listed categories of things that funding can and cannot be provided for, add timelines and additional details to the appeal process, and require case managers to provide a written follow-up for all contact with an applicant. Time limit...the LOC may impose a time limit for all speakers pursuant to section 16.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of five (5) minutes. This time limit shall be applied equally to all persons.

**David P. Jordan:** First up to speak is Nancy Barton.

**Nancy Barton:** Seeing how there's hardly anybody here, can I use more than five minutes if I go off? Sorry or do you have a timer? I'll start by saying number 24, line #24, that says assistance with paying utilities – currently, assistance can only be requested once every three years; the amendments reduce it to every two years. And so, the reason that I am commenting on that item is two weeks ago we had a family who was evicted from Oneida Housing Authority and when they were asked what the reasons were for their eviction, it was because of noncompliance with their utilities and so where my concern was is that there is federal, state and also tribal contribution that can be used for utilities and this family expressed to this Business Committee on this floor that they went to the Center for Self-Sufficiency and some of the



programs were unable to help them. And to me it would seem that if there are programs with people to run them, and funding and the needs are not being met for the people, then why would you have the program? My concern at that time, when these people came forward, was that we are creating a homeless population and who is keeping the data. Who is keeping the statistical information regarding how many households are affected by the rules that are mandated by Oneida Housing Authority and my understanding within the last 30 days, the two cases that I know of, affected 13 tribal members. Every one of them was an enrolled tribal member and how did it affect those children. My concern was that those families came up here, they were separated, they were experiencing trauma and the issue did not get resolved on this floor. So I am asking that anything and everything that this Tribe can do to assist tribal members with their utilities, it can be done. There's what I refer to in raising my own children is the snowball effect. When all of a sudden one thing happens and you can't deal with it and then another thing happens, it turns into bigger and more problems. And when you can't deal with the first thing first and then more stuff is coming, that's what I call the snowball effect.

**David P. Jordan:** Okay Nancy, can you get to a recommendation that you would like to see.

**Nancy Barton:** My recommendation would be that there be no provisions regarding when individuals need assistance regarding compliance with housing disconnection, potential for homelessness, because when you don't pay your utilities then they kick you out. So that would be my recommendation that each case be looked at on a case by case basis. These families are falling through the cracks. They're, I believe not adequately being advocated for. There is not a social worker working in the Center for Self-Sufficiency who can take these people and guide them and back them and help them and advocate for them, so that families are not broken apart and become homeless. So that's my first one. I would recommend or want it to be either changed, deleted or removed the provision that says once every two years and that the Community Support Fund will properly budget and advocate for enrolled tribal members to prevent homelessness and provide assistance for utilities.

Okay then and further down under number 28 and 29 it says "Various changes were made" and it doesn't make sense where you would put utility disconnections, but then it kind of crosses over. We're talking about utilities and then it says "New Items that were specifically covered", well utilities are not a new item. They were an item that was covered from before and especially when they were disconnections, so I just wanted to make a point of why I didn't know it was listed under new items covered, because it already was.

Let's see, the other, I guess, really alarming issue that we have been dealing with, with this whole Community Support Amendment is inpatient treatment and I brought it up before. There are programs, entities, Indian Health Service, Behavioral Health. I'm not understanding, there had to be a situation and of course, I'll use Cathy Metoxen sayings, all depends on who you know and who you are and so there was a procedural exception I believe made and whatever happened I'm glad they had a place to go, but there also is a cap, a \$5,000 cap or if there is assistance to get to treatment, because there are no other services, you can't go to the clinic and say "can you give me gas money" to get a family member or through Behavioral Health. We don't know what those services are. Those people have never come forward, Behavioral Health, I believe that before anything regarding inpatient treatment assistance, this seriously needs to be



looked at, because are we saying you know, you can go wherever you want, to the Betty Ford Clinic and we're going to pay for that and then does that open it up to everybody and I believe that we're not getting the entire story regarding what it is that Behavioral Health can and cannot do and also Indian Health Service. So, I don't think that something that possibly can be a duplication of services.

**David P. Jordan:** So your recommendation would be to delete that?

**Nancy Barton:** I would say to further look into the situation. That it clearly needs to be organized, looked at to how much in the past have we paid; where have we made those payments to; is it directly to Keystone, is it to Mana Saythia and then when you go to treatment, you sometimes you also become eligible for Medicaid and Medicare through Wisconsin Badgercare and they will backdate three months. So all of those things need to be put into consideration before we agree, because some treatment centers charge \$90.00 a day and depending on where you want to go, if you want top shelf or you just want to go to the most local and then all of the other issues that go behind it, because this fund has never been where they'll pay fines or they'll do things as far as court order or those kind of things, but if treatment is a court order, I think that is an important thing to document. We need to start documenting data, because if there is 40 people who are under court order or are they choosing to go treatment. Is it a product of another issue and it is, it always is. So I would like to say that it not be included until all of the information is brought forward.

Okay the next item that I want to talk about in that same category is the new items specifically not covered and once again homeless lodging assistance and it is a subject in itself and a year ago there were people here, not here who should have been here and they were new and I don't know where they were, but then when we starting working at these Community Support work meetings. You know all of this kind of information came out and so one of the directives or one of the things that came out of there is, how many people are being denied and where is that data and where are those statistics? Now we have the House of Hope that came for a donation from the tribe and that is one connection, you know, whose keeping track of how many Oneida women, single Oneida women with children are going there? Whose doing that? And now St. John's shelter opened yesterday. We have an enrolled tribal member who works there part-time. She's a nurse and she's also a social worker and her name is Lynn Metoxen and somebody needs to work with those people to keep track of how many enrolled tribal members are coming through those doors, whether it's for one night or the entire season, because as far as her recollection goes, which the information from the people that work there try to keep is that 54 enrolled tribal members came through those doors last winter. And so if that's the data that they can give us that we've been waiting for, no one up until I think a year ago even cared to keep that data and there's pieces of it all over the place. On what application can you fill out does it say "are you currently homeless" and we need to ask those questions. Even though people are living with family members, there are requirements. You know you get kicked out of Housing and you're living with your mom who lives in Housing, you're setting up a situation where now everyone could potentially be kicked out, including the grandma. So I'm really upset that homeless is not added into this, because a year ago we said, I said, how could we ethically and morally not help those people and a whole budget year came, it's coming, and there's no plan and everybody says we love our people and we got a strong fire and we're (inaudible), but

anyway I'm having a hard time connecting it all and so and I'm tired about how long everything takes. We have a half a billion dollar budget coming that's not

**David P. Jordan:** We've got to get back on topic.

**Nancy Barton:** It's homeless.

**David P. Jordan:** I know. I get it. I know what you're saying.

**Nancy Barton:** How do we...

**David P. Jordan:** We understand that but we are just talking about this law and if you want to add it back in. I understand you want it back in and we heard that comment, so we've got to move to the next topic.

**Nancy Barton:** Okay, the next line item is Line #52 and it gives the case managers the ability to appeal the decisions within 45 days and I feel that that amount is excessive. When people come to this fund, it is a fund of last resort. They are experiencing emergency, trauma, whatever they are experiencing, they swallow their pride and they swallow their dignity and they went and asked for help and now they got to sit and wait. There are signs up all over this reservation and all kinds of programs that dictate to the people that they're servicing, some of they say that we will let you know in 15 days. So you go home and you sit and you wait for an entire department that has, hopefully all the staff and money they need to make a decision and I think that some of it is excessive and unacceptable and this is one of them and that that amount of time for the appeal be reduced to ten (10) days. Give somebody ten (10) days. You know when you have all layers of management and all of the case managers you need, it's point blank are you eligible or you're not. Yes or no. So that's an excessive.

So the next line I would like to move to is Line #66 and in that sentence it says "Currently the fund was used for a catastrophic event or illness and the amendments add that assistance also covers an "emergency event". And I'm for the poor people, I'm for the underdog, but I'm worried about whose interpretation of an emergency event. You know one of my daughters is a drama queen and her interpretation of an emergency event is I'm on a quarter of a tank of gas and so it's like ...don't go anywhere. And my interpretation of an emergency event is way different and so ... whose interpretation. You know there needs to be a list.

**David P. Jordan:** Sounds like a definition.

**Nancy Barton:** Yes.

**David P. Jordan:** Okay.

**Nancy Barton:** And I think that needs to come, so anyway, that

**David P. Jordan:** The definition is on Line #67.

**Nancy Barton:** 67. Severity and verification is used in their ordinary and every day sense and do not require a definition.

**Tani Thurner:** If you look under the definition section in the redline, it would be on line 69. It says “Emergency event means a situation that poses an immediate risk to health, life, safety, property or environment. Emergencies require urgent intervention to prevent further illness, injury, death, or other worsening of the situation.”

**Nancy Barton:** Could we add homelessness in there, prevent homelessness? That would be my recommendation to add to prevent homelessness. And then, I’m almost done.

Okay, I appreciate adding stabilization rent, I caught that, you know it’s something that will be covered. Maybe a person just needs, and correct me if I’m wrong, it says that items that will now be covered is stabilization and also those individuals that are released from incarceration, so it will cover the Department of Corrections. And where my concerns about that was, say for instance, this person is released from prison and when they get out for whatever circumstances they have nothing, including the clothes on their back that they are released from prison and so to hold them up, I know I advocated for an individual and when he went there he was given a \$25.00 Wal-Mart card and he had his own jeans on, but he also, he still had the shirt from the prison and he wasn’t able and sandals, rubber sandals, and he wasn’t able to buy a pair of shoes. A \$25.00 did not cover, is not enough is what I am saying and it was deleted. The Department of Corrections it was deleted. If he went to prison, that was something that was not, or jail, so I’m glad it’s added back in there, but I don’t know what it is that you’re going to provide for them. Let me see, I have number 100 and I said this before, there are times for whatever reason they went to jail or were incarcerated, now to me it’s like we can do something to hold you up. We’re not going to support you and do all that, but when circumstances arise there will (inaudible) In this one that I got (inaudible). This is what I got for a packet from Jennie Falck and so the number on the line says 98 and 99. It says this draft no longer includes hearing aids in the list of items that will be covered and no longer includes appliance repair and replacement; stabilization rent assistance or Department of Corrections re-entry assistance is in the list of items the Fund will not cover. So what I am interpreting this to say is that now you are going to cover.

**David P. Jordan:** No.

**Nancy Barton:** Now you are going to help these people, no you’re not. Okay, then my comments are I would like to include stabilization rent assistance to prevent homelessness and assistance for individuals who are involved with the Department of Corrections and that has it’s own story and we already talked about that.

So there is another page, another part, Line #109 and it says “Appeals of the case manager must be submitted to the Area Manager within 45 days” and then “The Area Manager can take ten (10) days and then it can take 24 days or 20 more days and I think those amounts are excessive and you need to lessen them and it needs to happen as fast as it can as far as the appeal process. I don’t know what any other appeal process that are followed in the tribe, but to me that is excessive and it should be given consideration because these people are in need.

The other thing that I want to comment on is that resolution 6-30-90-A regarding the assistance that is supposed to be covered for handicapped and disabled people was never followed and so we have a gap. We're seeing it in the Finance Committee, we're seeing it in the Treasurer's office, we're seeing people coming forward where there's no way that they can get assistance. Some of it I believe is necessary, some of it is unnecessary, but this was created in 1990 and I want to give you a copy because I believe that, you know, if this was followed, we'd have \$10 million dollars now and be able to be servicing the people who are on disability and handicapped off of the interest. The plan was that the principal would not be touched and it would be invested and blah, blah, blah. And so now supposedly somebody came to and there is a plan being put together, but I don't think it's good enough. I don't think that this fund that went without should be... It's thrown some peanuts and then we wait another whole year for somebody to come up with a definition of who's handicapped and disabled. So whatever way it is that all you people get paid to do these kinds of things would get together so that we don't have to wait a whole another year for disabled and handicapped people to get assistance and so thank you very much.

**David P. Jordan:** Thank you Nancy.

**Nancy Barton:** It was more than five (5) minutes.

**David P. Jordan:** It's 25. Nadine do you have any comments? Chaz?

**Chaz Wheelock:** Thank you, good morning. Couple comments on the process. As we have these public hearings it is very, very important that we visit the process of having a public hearing. Obviously there are three people here today and do we represent 17,000 Oneidas, I don't think so. There is no process for me to represent 17,000. But I can speak about them and I think the process that I'm advocating for is districting. Getting smaller meetings, talking about the same subjects, so by the time you come here you have nine (9) people representing 17,000, in theory. That is just another suggestion. The other comment I have quickly as I get into the specificity of this, and again taking a policy into a law is very dangerous. I think we really need to be careful in how we transfer policy because it follows a process into a law. All of you have seen Pirates of the Caribbean and know about the guidelines. The guidelines, no it wasn't a law, it was a guideline to direct people into things, so I think it is really, really important that we understand the definitions as we go about an ordinance into a law, a policy into a law and the intent there that's made. Because the intent of the law is different than the law's interpretation many times, and that's where a lot of the gray area comes up. As I looked at the amendments, the big part I think are the definitions are who's our Oneida community? It's for tribal members but in specifics in there you have a tribal member or non-tribal member come forward as long as there is a tribal member in the household, so you get into who is that tribal member in the house, an adult, a child, and so it gets into some clarification I think we need to apply to all our laws, who is our Oneida community these days. It's no longer just a tribal member married to tribal member, you know, so it comes into are they lineal descent, if you get into those type of issues. I think that's a very important part of as we go about the functions that you have as coming together with who is our Oneida community and it's almost related to what is the Sustain Oneida work or what is Oneida. We still haven't really come to full clarification on what that definition is, outside just the blood issue, so that's one part.

And the only other comment I had overall is I think the intent of having the various amendments and putting some consistency between policy and law is well intended, but again I think there is a danger in doing that with not having the definition of who is our community, really dangerous place. Because again, it's for tribal members, but then again it's a tribal member fund. It's kind of like the housing situation as is related. Housing situation following Maslow's laws that things that people should have, maybe that's the basis we have our own Community Fund based on Maslow's laws. We already made the laws and it seems universal and they seem to apply to Indians and non-Indians as well, so it's not about race, it's about the needs of the human being. But I say that because I think as we look at who our community is and how we support that community, if we deal the basic needs, then everything else kind of falls after that and sometimes the interpretation of what my want is versus a need and so I just suggest strongly that we take the time to look at the definitions and where there's a gray area that we not necessarily make it black and white, but understand that gray area is not a bad thing, but it needs to be factored into making decisions, because sometimes as Nancy mentioned earlier, there's a lot of interpretation by people and some of the politics comes up in that and it's not necessarily about me, it's about the Indian politics is just the same as other people, politics in making decisions. I encourage you to look at that as you go about making changes to our laws and not just automatically strike policy into law, because I think we've done it before when we adopted the I don't want to say the White man's, but Wisconsin law. We just cross out Wisconsin and put Oneida, I think that's a mistake until we look clearly at what's all in there, what was the intent. And then the letter of the law is different than the intent of the law, sometimes. So I think crossing out words is dangerous.

**David P. Jordan:** Thank you Chaz. Trina do you have any comments?

**Trina Schuyler:** Yes I do. There's a couple of things that Nancy had mentioned that I just wanted to give clarification for.

**David P. Jordan:** We're just taking comments on the law. So we're not going back and answering the questions.

**Trina Schuyler:** Okay.

**David P. Jordan:** If you want to meet with her after this you can, but this is not the same kind of venue, so it's just more or less taking the comments and if you have any recommendations of change to the law that's what we address at this meeting.

**Trina Schuyler:** One of the recommendations then I would like to make is I have, I agree with the Line #109 regarding the appeals process, 45 days is excessive. Currently we operate under a procedure that is ten (10) days, so if we could be consistent with the ten (10) day appeal process I don't have a problem with that and I would recommend that as well.

**David P. Jordan:** Any others.

**Trina Schuyler:** I recommend also that Line #99 that states "This draft no longer includes the hearing aids, appliance repair, stabilization rent assistance or the Department of Corrections re-

entry assistance remains the same as there are not funds available to assist with those types of requests at this time.

**David P. Jordan:** Okay, any others?

**Trina Schuyler:** Also the request for the homeless assistance not be considered as part of the Community Support again, because due to the funding availability there is not enough, there is not a large enough budget to address the homeless population specifically in regards to what that would entail. That's a larger, broader scope that I know we have talked about in the past regarding a facility, regarding shelter or whatever that may look like and I know Housing is working on that as well, but in this current fund there is no availability for that use either.

**David P. Jordan:** That all?

**Trina Schuyler:** That's it.

**David P. Jordan:** With that being said I want to thank everybody. With there being no more speakers registered for the public comment for the Community Support Fund Amendments is now closed at 12:46 p.m. Written comments may be submitted until close of business day at 4:30 p.m. on Thursday, November 10, 2016. Thank you.

**-End of Meeting-**

**Taniquelle J. Thurner**

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**From:** Trina B. Schuyler  
**Sent:** Thursday, November 10, 2016 2:26 PM  
**To:** Taniquelle J. Thurner  
**Subject:** Community Support Comment

"I am submitting this public comment following the November 3, 2016 public meeting regarding the proposed Community Support Fund law (amendments).

My comment is in regards to section 204.6-4, which says that applicants may be reimbursed for mileage or airfare expenses up to a maximum of \$500 for travel expenses to arrange or attend a funeral for immediate family members outside of the state where the applicant resides.

The problem with this language is that it only permits us to reimburse an applicant for travel expenses. Sometimes, a person may not have the money up front to pay for the travel, so reimbursement would not do much to help them. I would like to suggest changing this section to just say that applicants may be provided with assistance for travel expenses, and letting the fund operators establish any more specific details by rule. This gives us the flexibility to work out whether funds would be provided up front or reimbursed."

Yawáko, (Thank you)  
Sawehnisliyóhak (Have a good day!)

Trina Schuyler  
Community Economic Support Director  
Oneida Governmental Services



A good mind. A good heart. A strong fire.

Office 920-490-3776  
Fax 920-490-6830


PO Box 365  
Oneida, WI 54155  
[tschuyle@oneidanation.org](mailto:tschuyle@oneidanation.org)





Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54115-0365  
Oneida-nsn.gov



TO: Legislative Operating Committee  
FROM: Jennifer Falck, Legislative Reference Office Director   
DATE: December 07, 2016  
RE: Consideration

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### INTRODUCTION

At the October 26, 2016 Oneida Business Committee (OBC) meeting, the Oneida Police Commission presented its fy16 4<sup>th</sup> Quarter Report (July, August & September of 2016). Within the report, the Police Commission recommended that a Tribal Criminal Code, Tribal Traffic Code, and Tribal Public Peace Laws be created in order to exercise the Oneida Nation's sovereignty and jurisdiction [See *Oneida Police Commission 4<sup>th</sup> Quarterly Report*, pg. 249]. After discussion, the OBC made the following motion:

Motion by Lisa Summers to send the recommendations provided in the [Police Commission] report to create a tribal criminal code, tribal traffic code, tribal public peace laws to exercise the Nation's sovereignty and jurisdiction, and curfew to the Legislative Operating Committee for consideration, seconded by Fawn Billie. Motion carried unanimously.

Enclosed is the Oneida Police Commission 4<sup>th</sup> Quarterly Report for your reference.

### NEXT STEPS

The Legislative Operating Committee shall decide whether or not to add the above mentioned item(s) to the active files list and direct the next steps.



**Oneida Business Committee Agenda Request****1. Meeting Date Requested:** 10 / 26 / 16**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.

Oneida Nation  
Oneida Police Commission  
3759 W Mason St  
Ridge view Plaza Suite 4  
Oneida WI 54355



Bernard Stevens, President  
Sandra Reveles, Vice President  
Beverly Anderson, Secretary  
Twylite Moore, Member  
Lois Strong, Member

Lisa Summers, Liaison

**Oneida Police Commission**  
**4<sup>th</sup> Quarterly Report - July, August, September 2016**  
Due Oct 18, 2016

**CONTACT FOR REPORT**

Sandra Reveles/Carol Silva

**MINUTES**

All approved meeting minutes are submitted to the Tribal Secretary's office quarterly from January 2016 to May 2016. Meetings are held the 4<sup>th</sup> (fourth) Wednesday of the month at 5:00PM at Ridge View Plaza, Suite 4. Meetings are open to the public except for Executive Session.

**SPECIAL EVENTS/MEETINGS**

The Police Commission was represented at the National Criminal Justice Training Center conference on August 17-19, 2016. This conference was free and held at the Tundra Lodge in Green Bay. September 28-29, 2016 two commissioners attended the 20<sup>th</sup> annual Crisis Intervention Conference in Wisconsin Dells. Attached is the agenda for these two trainings.

The Tribal Treasurer requested OBC Direct report attend the Budget Community Meetings in preparation for the GTC Budget meeting scheduled for September 19, 2016. The Police Commission was represented at the September 6<sup>th</sup> meeting at Veterans Dept, Sept 8<sup>th</sup> Elderly Meal Site, September 8<sup>th</sup> at the OBC Conference Room with video conferencing at SEOTS and attended the September 16<sup>th</sup> meeting in the OBC Conference room.

On September 21<sup>st</sup>, attended the meeting to collaborate and cooperate efforts to finalize Fiscal Year 2017 continuing Budget Resolution.

Budget: As of August 2016 budget balance was \$32,311. At the time of submission of this report we have not received the September Revenue and Expense amounts, therefore, the amount may be less. The positive variance in our budget is due to resignation of employee.

## 1. Staffing

The following is a list of positions that the Police Department is authorized and the amount that are staffed as of May.

<u>Position</u>	<u>Authorized</u>	<u>Staffed</u>	<u>Action</u>
Chief	1	1	
Assistant Chief	1	1	
Lieutenant	1	1	
Sergeant	3	3	
Detective/Sergeant	1	1	
Patrol Officer	12	12	
DARE Officer	1	1	
PSLO	1	1	
Community Resource Officer	1	1	
Office Manager	1	1	
Admin Assistant	1	1	
Dispatch Supervisor	1	1	
Dispatcher	5	4	Hiring Process
Gang Task Force Coordinator	1	1	
<b>Total</b>	<b>31</b>	<b>30</b>	

Patrol (Sergeants and Police Officers) and Dispatch (Dispatch Supervisor and Dispatcher) work a rotation of 5 days on, 3 days off. Shifts are 6a-2p, 2p-10p, and 10p to 6a. There are 2-3 officers per shift and 1-2 Dispatchers per shift.

Chief, Assistant Chief, Lieutenant, Detective Sergeant, DARE, PSLO, Office Manager, and Admin Assistant work normal business hours. Community Resource Officer and Gang Task Force Coordinator work normal business hours, but is available at different times due to programming in the community that may need to be attended.

## 2. BUDGET/GRANTS

**FY 16 Budget - \$3,700, 456 (97% tribal contribution, 2.5% BIA funding, 0.5% grants)**

YTD UNDERSPENT: \$215,789.64 As of 8-31-16 Revenue & Expense Summary not available

Personnel underspent: \$198,513.00

Other expenses underspent: \$17,285.61



### 3. Grants

- Nothing new to report

### 4.

Incident Type Description	Qtr 3 Apr- June 2016	Qtr 4 July- Sept 2016	% Change
CRIME PREVENTION	763	1115	46%
TRAFFIC STOP	427	305	-29%
ASSIST	96	188	96%
TRAFFIC SAFETY INCIDENTS	87	60	-31%
MOTORIST ASSIST	69	117	70%
WELFARE CHECK	63	93	48%
ANIMAL	62	121	95%
BUILDING SECURITY	61	96	57%
MEDICAL	46	82	78%
SUSPICIOUS VEHICLE	41	57	39%
CIVIL PROCESS	31	31	0%
DRUGS	29	37	28%
SUSPICIOUS SITUATION	25	45	80%
THEFT	24	43	79%
TRAFFIC HAZARD	24	34	42%
JUVENILE COMPLAINTS	24	48	100%
DISTURBANCE	23	35	52%
ACCIDENT	23	42	83%
ALARM	22	18	-18%
911 HANG UP	21	30	43%
RECKLESS DRIVING	19	29	53%
TRESPASSING	14	23	64%
WARRANT	13	37	185%
DAMAGE TO PROPERTY	11	21	91%
PARKING COMPLAINT	11	6	-45%
MISCELLANEOUS	10	31	210%
CIVIL MATTER	9	35	289%
SUSPICIOUS PERSON	9	23	156%
HARASSMENT	8	18	125%
RUNAWAY	7	8	14%

NOISE COMPLAINT	6	12	100%
ORDINANCE	5	7	40%
FRAUD	5	6	20%
DOMESTIC DISTURBANCE	5	16	220%
DISORDERLY CONDUCT	5	7	40%
911 ASSIST	5	3	-40%
ALCOHOL	4	7	75%
LOST / FOUND	4	13	225%
SEX OFFENSE	4	6	50%
TRANSPORT	4	5	25%
MISSING PERSON	3	0	-100%
ABANDONED VEHICLE	3	10	233%
ACCIDENT WITH INJURY	2	2	0%
OPEN DOOR	2	7	250%
EMERGENCY COMMITTAL	2	2	0%
FIRE ALARM	2	6	200%
TRUANCY	2	0	-100%
VIOLATION OF COURT ORDER	1	3	200%
RETAIL THEFT	1	0	-100%
FIRE CALL	1	3	200%
CARBON MONOXIDE	1	2	100%
BATTERY	1	3	200%
BURGLARY	0	4	100%
AUTO THEFT	0	2	100%
COMPUTER CRIME	0	1	100%
WEAPON	0	6	100%
DEATH	0	2	100%
FIREWORKS	0	6	100%
DISTURBANCE W/ WEAPON	0	3	100%
<b>Total</b>	<b>2140</b>	<b>2972</b>	<b>39%</b>

**5. CUSTODIAL ARRESTS**

	<b>Total</b>	<b>Alcohol Related</b>	<b>Drug Related</b>	<b>Gang Related</b>
BROWN COUNTY THIS 1/4	125	42	26	0
LAST 1/4	113	10	25	0
OUTAGAMIE COUNTY THIS 1/4	61	31	11	0
LAST 1/4	50	7	2	0

Note: Some may be drug, alcohol and gang related arrests and theses only show the number of arrests, but may be counted more than once.

<b>6. TRAFFIC CITATIONS</b>	<b>This 1/4</b>	<b>Last 1/4</b>
BROWN	67	79
OUTAGAMIE	15	18
TRIBAL CITATIONS	13	5

<b>7. RESPONSE TIMES</b>	<b>This 1/4</b>	<b>Last 1/4</b>
EMERGENCY	?	3:29
NON EMERGENCY	?	8:31

<b>7. MUTUAL AID</b>	<b>This 1/4</b>	<b>Last 1/4</b>
	188	96

## **8. RESPONSE TIMES**

Emergency:	3:52 minutes	Non-emergency:	6:07 minutes
Last Month:	6:07		11:24

## **9. MUTUAL AID**

All the sworn staff is deputized in Brown County – if a request is made for our Officers to respond off the Reservation, we are able to do so within Brown County. We are able to request Mutual Aid from other jurisdictions outside the reservation in time of need.

In Outagamie County, the Officers are deputized within the reservation boundaries – the Officers are not able to respond outside of the boundaries of the reservation. We are only able to request assistance from Outagamie County and if additional assistance is required, the Outagamie County Sheriffs Department would have to make the request.

Wisconsin State Statute allows for Tribal Law Enforcement to request and provide Mutual Aid without restrictions, but have to provide additional information to the Wisconsin Department of Justice for authorization. Attorney Jim Bittorf, Risk Management Director Bob Keck, and Chief Van Boxtel are working on meeting the requirements per state statute.

#### 10. Activity/Training

Hiring process has begun for one dispatcher. Dispatcher Andrew Summers is progressing through field training. Officers, Donovan Duggan and Ralph Powless are progressing satisfactorily through the academy. Officer Hughes is has begun field training and is progressing well,

#### 11. Internal Security

There were 741 Incident Reports during the quarter of July 2016 – September 26, 2016. The following is in part, a breakdown:

Alarm	01	Emergency Drop	17
Keywatcher	192	Medicals	92
Power Outage	01	Procedure Infraction	93
Property Damage	19	Cust/Emp Removal	110
Suspicious Activity	62	Suspicious Currency	06
Unsecure Door	19	Variance	50
Vehicle Assists	78		

#### 12. Conservation July 2016 - September 28, 2016

##### COMPLAINTS: 25

Raccoons	06	Woodchuck	03
Bees removed	07	Buffalo	01
Crane	01	Turtle	01
Bat	01	Rabbit	01
Hawk	01	Eagle	01

##### CONTACTS: 71

Contacts were made during complaint calls and in the field

##### CITATIONS: 0

WARNINGS: 14/ No fishing license



**13. Oneida Gang Task Force Coordinator**

Work with Oneida Nation High School and youth that struggle with attendance, homework completion, behaviors. They attend Suite 7 Monday – Thursday where we utilize Odysseyware to complete lacking credits. We also run groups and enrichment projects that introduce the youth to the community outside of the reservation. We also work on Conflict resolution and coping skills to help them once they get home and over the weekends. I run groups at Lombardi Middle school with the YES advocate program. The youth in this group struggle with behaviors in the classroom as well as homework completion. I Work with Adventure to assist with youth with behavioral issues. Working with GSD and trying to set up in the Civic Center twice a week. I would work with the youth that are struggling with behavior and emotional disturbances. My goal is to keep them in a positive place rather than on the streets where they are vulnerable to gang activity and recruitment. I have sent my research on community based programming and stopping the school to prison pipe line to the director of the recreation department as well as the director of fitness and recreation. The assistant Director at the Civic Center is on board we are and we are hopeful for a 90 day trial. Actively seeking grant opportunities with Pricilla Belisle, Oneida Nation High School and the grants department to keep our alternative education program running at Suite 7. Working with the BC each month trying to assist with a mentoring program as well as their drug task force, this occurs when they have time.

**14. Additional Information**

The Business Committee has asked for historical information about the citation revenue that is generated by the Oneida Police Department. Some background information will be needed to understand the process and authority to issue the citations and what they are.

The Oneida Police Department Officers are deputized in both Brown and Outagamie Counties per county specific Deputization Agreements between the Oneida Nation and County Sheriff. This gives us the ability to issue citations to be heard in the County Circuit Courts. Since there is not a Tribal Court to hear criminal issues, traffic violations, traffic crimes, or many ordinance violations, we issue the citations to be heard at the Brown and Outagamie County Circuit Courts.

We do issue citations for ordinances that the Oneida Nation has, which are heard by the Environmental Resource Board (ERB) as violations of the Domestic Animal, Public Land Use, and Hunting, Fishing and Trapping Tribal Laws are in place.

There are the types of citations, or what a person would think of as a "ticket", which our Officers issue. A Traffic Citation is what is used for traffic related violations. These are things such as Speeding, Operating without a license, Failure to stop at a stop sign, etc. An Ordinance citation



is used for things such as Disorderly Conduct (when the action doesn't rise to the level that a custodial arrest (be taken to jail) would be), Underage Drinking, Petty Theft, etc. Generally these are things that a custodial arrest and booking into the County Jail can be handled with. The Tribal Citation is used for violations of Tribal Laws that are mentioned above.

We recently did a review of the amount, both numbers and amounts, which we had issued in the previous two years based on what was returned to us from the Circuit Courts in the form of the dispositions.

<b>Citations</b>	<b>CY 2014</b>	<b>CY 2015</b>
Brown CO Amount Issued	\$66,763.00	\$63,940.00
Brown CO Amount Collected	\$17,285.00	\$20,950.00
Brown CO Number Issued	233	270
Brown CO Number Convicted	217	206

<b>Ordinance</b>	<b>CY 2014</b>	<b>CY 2015</b>
Brown CO Amount Issued	\$13,521.00	\$10,877.00
Brown CO Amount Collected	\$4,235.00	\$3,085.00
Brown CO Number Issued	57	51
Brown CO Number Convicted	56	51

<b>Citations</b>	<b>CY 2014</b>	<b>CY 2015</b>
Out CO Amount Issued	\$17,823.00	\$14,706.00
Out CO Amount Collected	\$5,200.00	\$5,530.00
Out CO Number Issued	56	49
Out CO Number Convicted	50	49

<b>Ordinance</b>	<b>CY 2014</b>	<b>CY 2015</b>
Out CO Amount Issued	\$8,059.00	\$7,089.00
Out CO Amount Collected	\$2,755.00	\$2,665.00
Out CO Number Issued	32	27
Out CO Number Convicted	31	27

<b>Tribal Citations</b>	<b>CY 2014</b>	<b>CY 2015</b>
Tribal Amount Issued	\$275.00	\$2,400.00
Tribal Amount Collected	\$275.00	\$1,510.00
Tribal Number Issued	3	7
Tribal Number Convicted	3	7

There is a difference from what the citations were issued for and what the actual amount collected is. The violations all have a deposit. That is the amount of money that is collected for the violation. There are additional fees that are added in addition to the initial deposit for Traffic Violations and County Ordinance violations. For example: a speeding citation amount for 1-10 miles over the limit is issued for the amount of \$175.30. The deposit for the violation is \$30 stays with the court and the other \$145.30 are surcharges and costs assessed by the state.

Another factor to be considered is the Judge may reduce what the fine is so the deposit would also be reduced. For example, a person may be cited for Speeding at 16 miles per hour over the limit for an amount of \$200.50. The deposit for this violation is \$50.00. When that person goes to court, it may be dropped to 10 miles over and \$175.30. Instead of collecting the \$50.00 deposit for the violation, it would only be \$30 collected.

If a person does not pay the citation, they may have a warrant issued and if they are not able to pay, a jail sentence will be imposed and no money will be collected.

Tribal Ordinance Violations revenues go back to the Oneida Nation General Fund and do not come back to the Oneida Police Department. The Oneida Nation does not receive any revenue back from the Circuit Courts for the citations sent to the Circuit Court.

The Oneida Housing Authority and Oneida Police Department held a community meeting in Site 2 due to the Homicide Investigation. One of the issues that were brought forward was a desire to have Oneida Tribal Ordinances that address curfew some other issues that could be addressed by the creation of Tribal Criminal Code, Tribal Traffic Code, and Tribal Public Peace Laws

**Recommendation:** Create a Tribal Criminal Code, Tribal Traffic Code, and Tribal Public Peace Laws to exercise the Oneida Nation's sovereignty and jurisdiction. It is realized that the due diligence in respect to the creation of laws, processes, and financial obligations will need to be completed prior to implementation.



# Attend a Conference or Workshop

Continuing Education

## 20th Annual Crisis Intervention Conference

September 29-30, 2016

Kalahari Resort & Convention Center  
Wisconsin Dells, WI

### Available Handouts

The handouts underlined have an active link. Please check back periodically. We will post handouts as we receive them from presenters.

#### Opening Keynote - September 29

- The Elusive World of Psychosis: How to Help Patients Share Their Pain, Hallucinations, Delusions and Dangerous Thoughts

#### Thursday Morning Sessions - September 29

- 1. The Relationship Between Caregiver and Client
- 2. Acute Suicide Affective Disturbance
- 3. The Delicate Art of Uncovering Suicidal Ideation and Intent: Innovative Techniques and Strategies (Interviewing Techniques for Uncovering Sensitive and Taboo Material)
- 4. Recovery Oriented Prescribing
- 5. Mindfulness Practices to Support Regulation and Relationships; Additional Handout
- 6. Tragic Outcome: After a Suicide; Additional Handout; Additional Handout
- 7. A Communitywide Approach to Innovating Outreach, Crisis Intervention, and Community Education for Youth Affected by Mental Health Challenges
- 8. Trauma-Informed Care
- 9. Engaging Community Partners in a Collaborative Crisis Planning Process for Youth

#### Afternoon Keynote - September 29

- Why People Die by Suicide

#### Thursday Afternoon Sessions - September 29

- 10. Acquired Suicidal Capability and Its Role in Murder-Suicide

- 11. The Delicate Art of Uncovering Suicidal Ideation and Intent: Innovative Techniques and Strategies (*The Chronological Assessment of Suicide Events*)
- 12. Neuroanatomy for Mental Health Clinicians
- 13. Working with People Who Do Not Want Our Help: Involuntary Clients
- 14. Peer Run Respite: Gaining Momentum in Wisconsin
- 15. Raising Community Awareness on How to Recognized and Respond to a Youth Mental Health Crisis
- 16. Cultural Humility: Learning About Ourselves and Connecting with those Around US
- 17. Integrating Police in the Crisis Response
- 18. Long-Term Care in the Community: Crisis Services and Stabilization for Individuals with Developmental Disabilities

#### **Friday Morning Sessions - September 30**

- 19. Justice Involved Veterans with Mental Health Conditions; Additional Handout
- 20. Supporting People with Dementia Experiencing Crisis; Additional Handout; Additional Handout; Additional Handout
- 21. Crisis 101
- 22. After a Suicide Death: When Postvention is Prevention
- 23. Alternatives to Suicide Peer-to-Peer Groups; Additional Handout; Additional Handout; Additional Handout; Additional Handout
- 24. Zero Suicide in Wisconsin
- 25. An Overview of PTSD: Symptom Presentations, Treatment Needs, Identifying Referral Sources and Appropriate Evidence-Based Approaches
- 26. Sharing the Sand Box: The Collaboration Between Integrated Primary Care and County Crisis; Additional Handout

#### **Closing Keynote - September 30**

- Balancing Public Safety and Health for Justice Involved Persons with Mental Health Conditions





National Criminal Justice Training Center  
of Fox Valley Technical College



SERVING VICTIMS OF CRIME

Conference

Conference Agenda

August 17-19, 2016

### Wednesday August 17, 2016

8:00 AM	Conference Registration/ Check In
9:00 AM – 9:30 AM	Conference Opening/Welcome/Address
9:30 AM – 11:00 AM	Re-integrating Victims' Voices in the Justice Process Meg Garvin, Executive Director, National Crime Victim Law Institute
11:00 AM – 11:15 AM	Break
11:15 AM – 12:30 PM	Workshop #1
1A	Workshop 1A by Cheri Maples
1B	NGO's and Law Enforcement: Building a Relationship
1C	Cyber Safety: Identity Theft
1D	Workshop: Re-integrating Victims' Voices in the Justice Process
12:30 PM – 2:00 PM	Lunch (on your own)
2:00 PM – 3:15 PM	Workshop #2
2A	Victim/Offender Dialogue
2B	Serve 2 Unite
2C	NGO's and Law Enforcement: Building a Relationship
2D	Conversation About Interpersonal Safety
3:15 PM – 3:30 PM	Break
3:30 PM – 5:00 PM	Mindfulness and Resiliency Training Cheri Maples, Center for Mindfulness & Justice

## Thursday, August 18, 2016

8:30 AM – 8:35 AM	Day's Opening/Welcome
8:35 AM – 10:00 AM	Victims Story
10:00 AM – 10:15 AM	Break
10:15 AM – 11:30 AM	Workshop #3
3A	Probation and Parole Victim Centered Approach (Repeat)
3B	Technology Trends (Repeat)
3C	The Changing Role of Child Advocacy Centers: More than Forensic Interviews
3D	Historical Trauma/Respect, Trust, Cultural Values
11:30 AM – 1:00 PM	Lunch
1:00 PM – 2:15 PM	Workshop #4
4A	Probation and Parole Victim Centered Approach (Repeat)
4B	Technology Trends (Repeat)
4C	Cops & Docs
4D	To Be Announced
2:15 PM – 2:30 PM	Break
2:30 PM – 5:00 PM	Sexual Assault Survivor Panel Jill Karofsky, Miriam Falk, and Audrey

## Friday, August 19, 2016

8:30 AM – 8:35 AM	Day's Opening/Welcome
8:35 AM – 10:00 AM	Sexual Assault on Campus TBD
10:00 AM – 10:15 AM	Break
10:15 AM – 11:45 AM	Give'M the F.I.N.G.E.R. Mark Yarbrough
11:45 AM – 12:00 PM	Conference Closing Remarks



## FY16 4th Quarter Report

### July 1, 2016- September 30, 2016

### Legislative Operating Committee

#### Summary of Fourth Quarter Agenda Items:

Sponsor	New Laws	Amendments	Petitions/Bylaws
<b>Brandon Stevens, LOC Chair</b>	Eviction & Termination		Debraska: Per Capita
	Employment		
	Business Committee Meetings	Membership Ordinance (Emergency)	
		Conflict of Interest (Emergency)	
	Rules of Administrative Procedure		
<b>Tehassi Hill, LOC Vice Chair</b>		Election Law	
		Tobacco Ordinance	
<b>Fawn Billie</b>		Marriage Law	
<b>David Jordan</b>	Mortgage & Foreclosure	Garnishment	
	Landlord Tenant	Real Property	
	Nonprofit Incorporation	Back Pay	
	Community Support	Per Capita	
<b>Jennifer Webster</b>	Fitness for Duty	Vendor Licensing	
	Rules of Administrative Procedure		

#### Rules that were certified:

- Marriage Rule 1: Fee Schedule
- Marriage Rule 2: Fine Schedule

#### Administrative Items that didn't require sponsorship:

- Administrative Rulemaking templates
- Code of Laws reorganization
- LOC Priorities for remainder of 2014-2017 term
- FY17 Budget SOE
- Election Law-Campaign Finance. Law Office requested the LRO compile research on this issue
- FY16 Third Quarter Report
- Law Drafting SOP and Stylebook
- FY17 Continuing Resolution SOE

**LOC Meeting Dates:**

July 6, 2016  
 July 20, 2016  
 August 3, 2016  
 August 17, 2016  
 September 7, 2016- Cancelled  
 September 21, 2016

**Public Hearings Held:**

Landlord Tenant: July 21, 2016  
 Vendor Licensing: July 21, 2016  
 Eviction & Termination: August 4, 2016  
 Election Law Amendments: September 15, 2016

**Employment Law Community Meetings:**

August 4, 2016  
 August 18, 2016  
 September 7, 2016  
 September 29, 2016

A Kalihwisaks article regarding the Employment Law was published in the September 15, 2016 issue.

**2014-2017 Active Files List as of October 3, 2016:**

- 48 open legislative items
- 29 completed items
- 1 item denied by LOC
- 11 outstanding administrative items
- 12 completed administrative items
- 2 rules completed

**Legislative Reference Office Activities:**

- Two Drafting Attorneys were hired in September. The LRO Director worked with the Law Office's Chief Counsel to redistribute work from Law Office Attorneys to the newly hired LRO attorneys.
- The LRO staff completed strategic planning efforts.
- LRO staff attended several trainings including; website training, Using EAP in Supervision, Interview Certification Training, Tame Your Reptile Brain, Investigation Training, Emotional Intelligence, and Jurisdiction Training.
- LRO staff is working on a definitions standards project, in an effort to streamline and standardize terms that are commonly used in our laws.
- An SOP for drafting laws was completed, along with a stylebook. These tools are designed to assist the attorneys in drafting law.



### First Quarter Plans:

- Send to following items to the OBC for adoption:
  1. Eviction & Termination
  2. Landlord Tenant
  3. Leasing
  4. Back Pay
  5. Vendor Licensing
- The LOC will begin holding LOC prep meetings prior to LOC meetings to better prepare.
- LOC members will also start holding quarterly update meetings, in which LRO staff will meet with each LOC member to review their sponsored items.
- The LOC held an Employment Law Community Meeting on October 19, 2016
- The LOC will approve a Post Adoption SOP for the LRO.
- The LRO will continue its jurisdiction training efforts by touring the reservation.
- The LRO will fill two vacant Legislative Analyst positions.
- Upcoming public meetings:
  - **December 1, 2016:** Oneida Nation Seal & Flag , Real Property Amendments
  - **December 15, 2016:** Budget Management & Control Law, Hunting/Fishing/Trapping Law Amendments, Tobacco Law Amendments, Per Capita Amendments
  - **December 29, 2016:** OBC Meetings Law



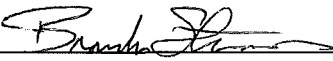
## LEGISLATIVE REFERENCE OFFICE STANDARD OPERATING PROCEDURE

**Title: Legislative Analysis**

**Revision Date: December 7, 2016**

**Author: Legislative Reference Office**

**Approvals:**

 12/1/16  
Brandon Stevens, LOC Chair Date

 12/1/16  
Jennifer Falck, LRO Director Date

### 1.0 PURPOSE AND POLICY.

- 1.1 The purpose of this SOP is to provide direction for when a legislative analysis is required, content requirements, content dispute processes and provide guidance for when an analysis may be made available to the public.
- 1.2 It is the policy of LOC that the legislative analysis be an unbiased review.
- 1.3 The legislative analysis is also intended as a method of reviewing a draft to help to identify problems that need to be resolved.
- 1.4 An analysis is performed to inform readers of the legislative intent of a proposal and its effect.

### 2.0 WHEN A LEGISLATIVE ANALYSIS IS REQUIRED

- 2.1 Legislative analyses are required for all proposed laws, bylaw drafts, amendments, and policies amended on an emergency basis.. Per the LPA, they must be completed and attached to proposed legislation before the LOC forwards the legislation for public comment, or to the BC for consideration.
- 2.2 Legislative analyses are not prepared for resolutions.
- 2.3 Where required, a legislative analysis is necessary even if the draft's content is self-evident and a legislative analysis essentially repeats the draft's text.
- 2.4 When a draft is ready for legislative analysis, any revisions to the draft proposal will require a revised legislative analysis.

### 3.0 WHO WRITES A LEGISLATIVE ANALYSIS

- 3.1 Except as provided under 3.2, the Legislative Analyst shall be responsible for preparing the legislative analysis.
- 3.2 LRO Staff Attorneys or the LRO Director may prepare legislative analyses if a Legislative Analyst cannot complete the analysis in a timely manner, or as approved by the LRO Director.
- 3.3 If an LRO Staff Attorney or the LRO Director complete an analysis thich includes recommendations for re-drafting, the draft may be either referred back to the entity for re-draft or may be re-drafted by another LRO Staff Attorney, or an Attorney from the Law Office.
  - 3.3.1 If an LRO Staff Attorney performs the re-draft then the Legislative Analyst shall write the analysis of the re-draft.
  - 3.3.2 The Legislative Analyst shall be involved to the greatest extent possible when an LRO Staff Attorney writes an analysis.

#### **4.0 CONTENT**

- 4.1 The purpose of a legislative analysis is to describe clearly and objectively, in plain language, the substance and effect of a legislative proposal without describing every detail of the measure. The analysis shall be objective and free of subjective language to the greatest extent possible except for the Considerations Section- which may include recommended changes for the LOC to consider.
- 4.2 The content of the legislative analysis is set forth in the LRO Checklist for Legislative Analysis.

#### **5.0 FORMAT**

- 5.1 The main components of the proposal- whether new legislation or amendments to existing law, shall be presented so that the reader can easily identify the content of the proposal. A bullet point format is recommended.

#### **6.0 CONTENT DISPUTE PROCESS**

- 6.1 If there is a dispute regarding the content of the analysis, the LRO Director is the final arbiter. The LRO Director may choose to consult with the LOC Chairperson when such issues arise. The LRO Director may direct portions of the legislative analysis be removed based upon their discretion at any point in the legislative process.

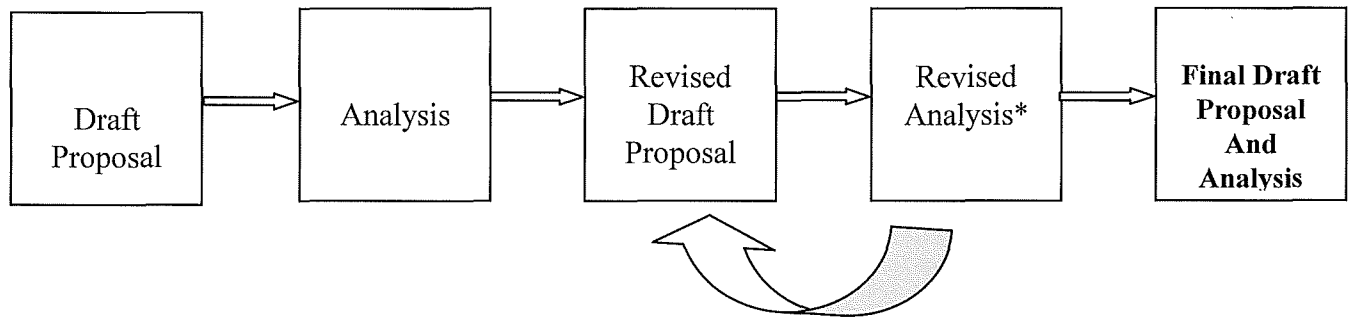
#### **7.0 PUBLIC ACCESS TO DRAFT**

- 7.1 As a general rule, an analysis shall not be considered a public record until it is presented in an LOC meeting and discussed in open session. Drafts may, however, be made available on a case by case basis as determined by the LOC, the proposal's sponsor, or the LRO Director.

#### **8.0 LEGISLATIVE ANALYST AND BILL DRAFTING**

- 8.1 It is important the Legislative Analyst remain objective throughout the analysis process.
- 8.2 Their attendance in work meetings is important, however their primary role is to listen, and not contribute to the discussion. This keeps the Legislative Analyst abreast of the drafting discussion.

## 9.0 FLOW CHART



\*Repeat revised draft and revised analysis steps until the LOC has satisfactorily resolved issues raised.

# ONEIDA NATION RULEMAKING GUIDEBOOK



Drafted by the Oneida Nation Legislative Reference Office  
December 2016  
[www.oneidanation.org/government](http://www.oneidanation.org/government)



A good mind. A good heart. A strong fire.

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## She-k&

Welcome to the world of rulemaking. The Legislative Reference Office (LRO) has developed this guidebook to help you develop and certify rules that pertain to your agency's work. Please review the guidebook thoroughly and then contact the LRO with any questions you might have or for further guidance.

The LRO is here to guide you through the process and ensure that the rules your agency develops are compliant with the Oneida Nation's Administrative Rulemaking law.

### LRO Staff Contact Information:

Phone: 920-869-4376  
Email: [LOC@oneidanation.org](mailto:LOC@oneidanation.org)  
Address: N7210 Seminary Rd  
PO Box 365  
Oneida, WI 54155

## Definitions

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**Authorized Agency-** any board, committee, commission, department, or officer of the Nation that has been granted rulemaking authority.

**Business Day-** Monday-Friday from 8:00am to 4:30pm, excluding holidays that are recognized by the Nation.

**Financial Analysis-** an estimate of the total fiscal year financial effects associated with the proposed rule prepared by the authorized agency proposing the rule. It includes- startup costs, additional personnel required to comply with the law, additional office related expenses, documentation costs, and an estimate of the amount of necessary time for an individual or agency to comply with the rule after implementation.

**Entity-** a board, committee, or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the majority of the Nation's eligible voters and also any department of the Nation.

**Oneida Register-** the free legal periodical published on the Nation's website by the Legislative Operating Committee which contains, at a minimum, agency rules, proposed legislation and notices, and either the Oneida Code of Laws or the directions to obtain free access to the Oneida Code of Laws.

**Rule-** a set of requirements delegated by a specific law and enacted by an authorized agency in order to implement, interpret and/or enforce a law of the Nation, which includes citation fee and penalty schedules.

**Rulemaking Authority-** the delegation of authority to authorized agencies found in the Nation's laws other than the Administrative Rulemaking law which allows authorized agencies to implement, interpret, and/or enforce a law of the Nation.

**Statement of Effect-** a legislative and legal analysis which explains the effects that adopting a rule would have on the Nation.

**Nation-** the Oneida Nation.

**OBC-** the Oneida Business Committee.

**LOC-** the Legislative Operating Committee.

**LRO-** the Legislative Reference Office.



## Purpose & Background

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The Administrative Rulemaking law was adopted by the Oneida Business Committee (OBC) on February 24, 2016.

The purpose of the Administrative Rulemaking law is to provide a process for the adoption and amendment of administrative rules. It is the policy of the Oneida Nation that:

1. An efficient, effective and democratic process is established for enacting and revising administrative rules,
2. Authorized agencies act in a responsible consistent manner when enacting and revising the administrative rules, and
3. That the authorized agency limits the rules to the authority granted to the agency through the law corresponding to the developed rules.

The Administrative Rulemaking law enables various agencies of the Nation to develop its own rules that ensure compliance with that agency's processes or with laws of the Nation. Although the Administrative Rulemaking law provides the general process for adoption and amendment of administrative rules, actual rulemaking authority will be delegated to various agencies through various other laws of the Nation. The Administrative Rulemaking law can be found in this guidebook in Appendix H.

Examples of Rules that may be developed:

1. Fee Schedule Rule for marriage licenses under the Marriage Law.
2. Harvest Numbers Rule under the Hunting, Fishing, Trapping Law.

Rules that are developed in accordance with the Administrative Rulemaking law have the same force and effect as the law which delegated the agency rulemaking authority, and must be followed by both the general public and the agency promulgating the rule.

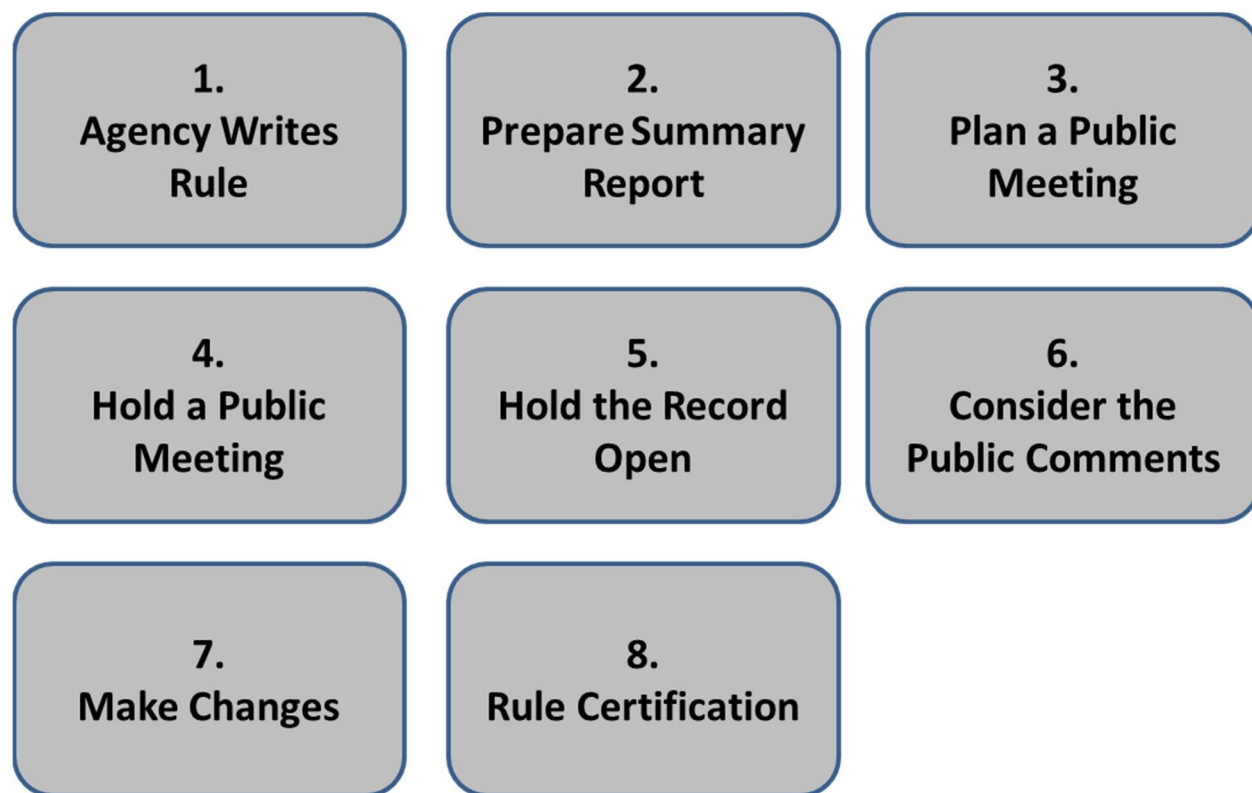
Any rules by an agency of the Nation that were already in effect at the time of the Administrative Rulemaking law's adoption remain in effect unless directed by the OBC to be updated based on the requirements found in the Administrative Rulemaking law. Any amendments to rules already in effect, and the adoption of any new rules must all follow the requirements of the Administrative Rulemaking law.

## How to Promulgate a Rule

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There are several steps to rule adoption required under the Administrative Rulemaking law. This is a brief overview of the rule promulgation (adoption) process. Appendix A of this guidebook provides a checklist to help your agency complete all the necessary steps to ensure your rules are in compliance with the Administrative Rulemaking law.

## Summary of the Rulemaking Process under the Administrative Rulemaking Law



### **1. The Agency Writes a Rule**

The first step in the rule promulgation process is the agency will write the rule. The agency may write rules that interpret the provisions of any law enforced or administered by it, but the rule may not exceed the rulemaking authority granted under the law for which the rule is being created. The Administrative Rulemaking law required the Legislative Operating Committee (LOC) to create a template for rules that authorized agencies shall comply with when drafting rules. The template illustrates the various sections that must be included in the rule and the format the rule should follow. The rules templates can be found in Appendix B and C of this guidebook.

The Administrative Rulemaking law allows an agency the option of holding a Solicitation of Comment on the General Subject Matter before the agency drafts a proposed rule. This gives the agency the option to begin their rulemaking process by holding a public meeting to gather comments or ideas before they begin actually drafting any proposed rules. It is important to note that if an agency decides to hold a Solicitation of Comment on the General Subject Matter the agency is still required to hold a public meeting that meets the requirements of the Administrative Rulemaking Law before the rule can be adopted.

## **2. The Agency Prepares a Summary Report**

After an agency writes a rule, the agency shall prepare a summary report regarding each proposed rule. The summary report is a packet of information that must include the following:

1. Name of the proposed rule;
2. Reference to the law that the rule interprets (which law gave the agency rulemaking authority);
3. List of any other related laws that may be affected;
4. Brief summary of the proposed rule;
5. Statement of Effect (SOE); and
6. Financial Analysis.

The agency must request the SOE from the Legislative Reference Office (LRO). The SOE explains any legislative and legal impacts the proposed rule will have on the Nation.

The financial analysis is prepared by the agency and must include the following:

1. Start-up costs;
2. Personnel costs;
3. Office space cost;
4. Documentation costs; and
5. An estimate of the amount of time necessary for an individual or agency to comply with the rule.

In addition to creating the financial analysis, the agency must send a written request to each entity which may be affected by the rule asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within ten (10) business days after the request is made, the financial analysis can note which entities did not provide a response.

A template for a summary report can be found in Appendix D. A template for a financial analysis can be found in Appendix E of this guidebook.

Once an agency has completed the summary report regarding each proposed rule, the summary report will then be attached to the proposed rule when presented for public comment and for approval through the LOC and ultimately the OBC.

## **3. The Agency Plans a Public Meeting**

A proposed rule, except a rule promulgated under the emergency rule exemption, must be preceded by a public comment period, which must include a public meeting. The agency must choose a date and location for a public meeting.

When deciding where to host a public meeting it is important to remember that the Administrative Rulemaking law requires all public meetings to be audio recorded. The Oneida Business Committee Conference Room and the Executive Conference Room are set up for recording public meetings. Consider holding the meeting at one of those locations. Agencies can contact the Business Committee's Secretary's Support Office at 920-869-4314 to reserve the room and request technical assistance with recording equipment.

After choosing a date and location for the public meeting, the agency must develop a public meeting notice. The public meeting notice must include the following:

1. Information about how to electronically access the summary report;
2. A statement that hard copies of the summary report and proposed rule will be available at the public meeting;
3. Date, time, place of the public meeting;
4. Time period during which the agency shall accept public comments; and
5. Contact information of the agency- name, address, phone number, and other information for people to use if they want to submit written comments.

A public meeting notice template can be found in Appendix F of this guidebook.

The agency then must send the public meeting notice to both the Kalihwisaks and the Oneida Register and request that the notice be published. The public meeting notice must be published in the Kalihwisaks and on the Oneida Register a minimum of ten (10) days before the public meeting is held in order to be compliant with the Administrative Rulemaking law. If the ten (10) day minimum notice requirement is not met then the public meeting does not comply with the Administrative Rulemaking law and another public meeting that does meet the requirements of the law will have to take place. It is very important for an agency to check the Kalihwisaks submission deadlines and print dates when planning a public meeting.

The Kalihwisaks' deadline dates are every second and fourth Thursday of the month, unless otherwise noted. The Kalihwisaks' publish dates are every first and third Thursday of the month unless otherwise noted. Materials can be dropped off at the Kalihwisaks office at 2701 West Mason Street, Green Bay, or mailed to Kalihwisaks, P.O. Box 365, Oneida WI 54155. Information can also be sent via email at [Kalihwisaks@oneidanation.org](mailto:Kalihwisaks@oneidanation.org) or phoned in to 920-496-5632.

The agency can have the public meeting materials published on the Oneida Register by emailing the materials to Legislative Reference Office (LRO) attorney Tani J. Thurner at [tthurner@oneidanation.org](mailto:tthurner@oneidanation.org).

#### **4. The Agency Holds a Public Meeting**

The agency shall hold a public meeting at the date, time, and place designated in the meeting notice. The agency shall create and bring in a sign in sheet for the meeting attendants to register on by signing their name. A template for a public meeting sign in sheet can be found in Appendix G of this guidebook.

The agency shall have a representative of the agency preside at the meeting. The representative of the agency shall provide a brief description of the rule and the nature of its requirements. The agency representative shall then open the public meeting for comments. It is important to remember that the Administrative Rulemaking law requires all public meetings to be audio recorded. Any persons making oral comments during the public meeting is required to state their name for the record. The agency representative is not required to comment or respond to comments at the meeting, but may choose to offer clarity or comments at his or her discretion.

#### **5. The Agency Holds the Public Comment Period Record Open**

The agency shall hold the public comment period in which written comments can be submitted to the agency open for at least five (5) business days after the public meeting. If the agency chooses, the agency can extend the public comment period as it deems appropriate as long as the agency posts an amended Notice of Public Meeting that meets the same requirements as the original public meeting notice at any time prior to the close of the original public comment period which identifies the extended comment period end date.

#### **6. The Agency Considers the Public Comments**

The agency shall fully consider all oral and written comments received during the public comment period and during any public meeting held regarding a proposed rule. The Administrative Rulemaking law requires the agency to prepare a memorandum containing the public comments that were received, both orally and written, and the agency's response to each comment. To show that each comment received was fully considered it is best practice to write each comment received verbatim in the memorandum and then respond to each comment individually.

#### **7. The Agency Can Make Changes to the Rule**

After the public comments are fully considered, the agency can make changes to the draft of the proposed rule that the agency feels are appropriate. If substantial changes are made to the proposed rule, another public meeting must be held. If another public meeting is to be held then the agency must start over at step three (3).

## 8. The Agency Submits the Rule for Certification

After an agency has had a proposed rule analyzed, put through the public comment process, and changed as needed the agency is ready to submit the proposed rule for certification. The agency is required to submit the proposed rule and the items it must contribute for the administrative record to the LOC, which is responsible for certifying that promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law.

The certification packet that the agency must create and give to the LOC must include the following:

1. An LOC Agenda Request form;
2. The draft proposed rule;
3. A memorandum from the agency to the LOC with the following contents:
  - a. Timeline of dates that each rulemaking requirement was completed;
  - b. Date the public meeting was posted;
  - c. Date the public meeting(s) was held;
  - d. Date the public comments period closed;
  - e. Date the public comments were considered; and
  - f. Date the request to other agencies was made for financial analysis.
4. Supporting Documentation including but not limited to:
  - a. Various drafts of the rule considered before the public meeting;
  - b. The Kalihwisaks public meeting notice. Either print the actual Kalihwisaks posting or provide a copy of the notice indicating the date it was published;
  - c. If the rule is being amended and not adopted, the redline drafts of the rule. Redline drafts are the drafts that indicate the proposed changes to the amended rule from the current rule;
  - d. If the agency is a board, committee, or commission the minutes from the agency's meeting during which the proposed rule was considered as an agenda item;
  - e. If the agency is not a board, committee, or commission a memo from the agency's highest level of management approving the proposed rule; and
  - f. Any other supporting information (the LRO may request additional information).
5. The Summary Report that was submitted for public meeting. (Note: If the draft or any elements of the summary report changed after the public comment period the agency shall provide an updated summary report.)
6. A memorandum from the agency to the LOC with the following contents:
  - a. All the written and spoken comments that were received during the public comment period and the agency's responses to each comment; and
  - b. The date the rule will go into effect. (Note: The agency shall determine a rule's effective date, provided that a rule may not become effective until the LOC has provided the agency with the written certification that the rule complies with all procedural elements required in the Administrative Rulemaking law.)

A representative from the agency must then attend the LOC meeting in which the agency's rule is on the agenda. The LOC will review the certification packet the agency provided and do one of two things:

1. If the entity has completed all the procedural requirements, the LOC will certify the rule, and will forward the packet to the OBC for review, and publish the rule on the Oneida Register;  
OR
2. If the LOC does not certify the rule, it will return the rule to the entity with feedback as to which procedural requirements were not met.

Prior to publishing the approved rule on the Oneida Register, the LOC shall create and/or update the administrative history on each rule which must include the original effective date of the rule and the effective date of any amendments made to the rule.

Once the LOC certifies the proposed rule and sends the certification packet with written certification that the requirements of the Administrative Rulemaking law have been fulfilled, the certified rule will be reviewed by the OBC.

If the agency does not receive written notice from the OBC of intent to repeal or amend the rule within thirty (30) days of the date the OBC is provided notice of the rule, the rule will remain in effect as submitted and certified by the LOC.

If the OBC repeals the rule adopted by the agency, the rule that was in effect immediately prior to those rules repealed, if any, will automatically be reinstated and effective immediately upon the repeal of the rule adopted by the agency.

If upon review the OBC has concerns or would like to request revisions to the rule, the OBC is required to work with the agency to address those concerns. Unless the OBC repeals the rule, the rule will remain in effect while the agency and the OBC work jointly to amend the existing rule. If the OBC wishes to pursue amendments to the rule, the OBC has six (6) months from the date the amendments are initiated by the OBC to complete the amendments through one of the following actions:

1. If the agency and the OBC agree on the content of the amendments, the agency shall adopt the revised rule that has been agreed upon. If the revisions to the rule were substantial, the agency shall hold an additional public comment period for the rule, and the process would restart back to the public comment period planning stage.
2. If the agency and the OBC do not agree on the content of the amendments, the OBC may defer the rule to the LOC for revisions as directed by the OBC. If the LOC makes substantial changes to the rule, the LOC shall hold an additional public comment period. When the rule is ready for adoption the LOC shall forward it to the OBC for consideration.

If a revised rule is not adopted by either the agency or the OBC within six (6) months from the date the amendments are initiated by the OBC, the rule originally adopted by the agency will remain in effect.

If revisions are made to the rule by either the agency or the OBC, the party making the revisions shall provide a final version of the rule to the LOC. The LOC shall then update the Oneida Register with the final version of the rule.

## Emergency Rules

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Emergency situations may arise in which an agency needs a rule before all the requirements of promulgation of the Administrative Rulemaking law can be met. An agency may present the LOC with a proposed emergency rule without a public comment period being held if it finds there is an emergency situation that requires the enactment or amendment of a rule for the immediate preservation of the public health, safety, or general welfare of the Reservation population and the enactment or amendment is required sooner than would be possible under the normal rulemaking process.

In emergency situations, the agency shall submit to the LOC the proposed emergency rule with reasoning to justify the emergency and a summary report, provided that the deadline for other entities' submission of financial impacts may be reduced to a minimum of two (2) business days.

Once the LOC receives the emergency proposed rule and summary report, the LOC shall review the submission and take one of the following actions:

1. Reject the proposed emergency rule on the basis that there is no valid emergency; or
2. Accept that there is a valid emergency and forward the emergency rule to the OBC.

If the proposed emergency rule is forwarded to the OBC, the OBC will review the proposed emergency rule, the summary report, and the reasoning suggested for the emergency situation. The OBC will then do one of the following:

1. Reject the proposed emergency rule on the basis there is no valid emergency; or
2. Accept that there is a valid basis for an emergency and adopt, by motion, the emergency rule.

The OBC, if it deems it necessary, can decide to make revisions to the emergency rule when it adopts the rule. If the OBC makes revisions to the emergency rule that the agency does not support, the agency may address its concerns when the agency begins the process for enactment of the permanent rule.

An emergency rule becomes effective immediately upon its adoption by the OBC and remains in effect for a period of up to six (6) months, with an opportunity for a one time emergency extension of up to six (6) months. The one time emergency extension can be brought up by the agency directly to the OBC for consideration and shall become effective upon the OBC's approval and adoption by motion.

An emergency rule will:

1. Expire when six (6) months have passed since the emergency rule went into effect and an emergency Rule extension has not been approved; or



2. expire when six (6) months have passed since the emergency rule extension went into effect; or
3. no longer be in effect when a rule is permanently adopted in the emergency rule's place before the emergency rule expires under (1) or (2).

The Legislative Operating Committee shall publish the emergency Rule on the Oneida Register.

If the agency wants the emergency rule to be adopted as a permanent rule, then the agency shall follow the regular procedures as provided in the Administrative Rulemaking law to adopt the permanent rule.

## **APPENDIX A.**

### **Rule Promulgation Checklist**

1. The Agency Writes a Rule.
  - ☐ Agency used rule template (Appendix B) to draft proposed rule
  
2. Agency Prepares Summary Report
  - ☐ Prepare a Summary Report (template found in Appendix D) which includes:
    - ☐ Name of proposed rule
    - ☐ Reference to the law that the rule interprets
    - ☐ List of any other related laws that may be affected
    - ☐ Brief summary of the proposed rule
    - ☐ State of Effect (SOE) from Legislative Reference Office
    - ☐ Financial Analysis (template found in Appendix E) which includes:
      - ☐ Start-up costs
      - ☐ Personnel costs
      - ☐ Office space costs
      - ☐ Documentation costs
      - ☐ Estimate of the amount of time necessary for an individual or agency to comply with the rule
      - ☐ Responses to agency's written request that entities affected by the rule provide information describing how the entities will be financially affected
  
3. Agency Plans a Public Meeting
  - ☐ Choose a date and location for a public meeting
  - ☐ Ensure recording equipment will be available for public meeting
  - ☐ Develop a public meeting notice (template in Appendix F) that includes:
    - ☐ Information about how to electronically access the summary report
    - ☐ A statement that hard copies will be available at the public meeting
    - ☐ Date, time, and place of the public meeting
    - ☐ Duration of the public comment period
    - ☐ Contact information of agency- name, address, phone number, and other information for people to use if they want to submit written comments
  - ☐ Send the public meeting notice to the Kalihwisaks to be published a minimum of 10 days before the public meeting is held
  - ☐ Send the public meeting notice to the Oneida Register to be published a minimum of 10 days before the public meeting is held

#### 4. Agency Holds a Public Meeting

- ☐ Create and bring a sign in sheet for the meeting attendants to register (template in Appendix G)
- ☐ Record public meeting
- ☐ Have representative of the agency preside over the meeting. The representative will provide a brief description of the rule and the nature of its requirements
- ☐ Open the meeting for public comments and have each oral speaker state their name for the record

#### 5. Agency Holds the Public Comment Period Record Open

- ☐ Hold the public comment period open for at least five (5) business days after the public meeting
- ☐ If the agency deems it appropriate to hold the public comment period open for a period longer than five (5) days after the public meeting, post an amended Notice of Public Meeting that meets the same requirements as the original public meeting notice at any time prior to the close of the original public comment period which identifies the extended comment period end date

#### 6. Agency Considers the Public Comments

- ☐ Consider every comment received
- ☐ Prepare a memorandum containing the public comments that were received, both orally and written, and the agency's response to each comment

#### 7. Agency Can Makes Changes to the Proposed Rule

- ☐ Agency makes any changes to the rule it deems appropriate
- ☐ If substantial changes are made, another public meeting must be held (Start over at step three)

#### 8. Agency Submits the Rule for Certification

- ☐ Rule has been analyzed, put through public comment process, and changed as needed
- ☐ Create certification packet which includes:
  - ☐ LOC Agenda Request Form
  - ☐ Draft proposed rule
  - ☐ Memo from the agency to the LOC with the following contents:
    - ☐ Timeline of dates that each rulemaking requirement was completed
    - ☐ Date the public meeting was posted
    - ☐ Date the public meeting(s) was held
    - ☐ Date the public comments period closed
    - ☐ Date the public comments were considered
    - ☐ Date the request to other agencies was made for financial analysis
  - ☐ Supporting documentation including but not limited to:

- ☐ Various drafts of the rule considered before the public meeting
- ☐ The Kalihwisaks public meeting notice- either print the actual Kalihwisaks posting or provide a copy of the notice indicating the date it was published
- ☐ If the rule is being amended (not adopted)- the redline drafts. These are the drafts that indicate the proposed changes to the amended rule- from the current rule
- ☐ If the agency is a board, committee, or commission- the minutes from the agency's meeting during which the proposed rule was considered as an agenda item

**OR**

If the agency is not a board, committee or commission, a memo from the agency's highest level of management approving the proposed rule

- ☐ Any other supporting information (LRO may request additional information)
  - ☐ Summary Report that was submitted for public meeting (*Note: If the draft or any other elements of the summary report changed after the public comment period- be sure an updated summary report is submitted*)
    - ☐ Name of proposed rule
    - ☐ A reference to the law that the proposed rule interprets, along with a list of any other related laws or rules that may be affected by the proposed rule
    - ☐ Brief summary of the proposed rule and any changes made to the proposed rule based on the public comment period
    - ☐ Statement of Effect
    - ☐ Financial Analysis
  - ☐ Memo from the Agency to the LOC with the following contents:
    - ☐ All the written and spoken comments that were received during the public comment period and the agency's responses to each comment
    - ☐ The date the rule will go into effect
  - ☐ Attend LOC meeting in which your rule is on the agenda
    - ☐ If the agency has completed all procedural requirements, the LOC will certify the rule, forward it to the OBC for review, and publish the rule on the Oneida Register
- OR**
- ☐ LOC will not certify the rule, and will return the rule to the agency with feedback as to which procedural requirements were not met and the agency will complete those requirements
  - ☐ OBC reviews rule

- ☐ Agency does not receive written notice from OBC of intent to repeal or amend the rule within thirty (30) days of the date the OBC is provided notice of the rule, so the rule remains in effect as submitted and certified by the LOC

**OR**

- ☐ OBC repeals the rule adopted by the agency, so the rule that was in effect immediately prior to those rules repealed, if any, will automatically be reinstated and effective immediately upon the repeal of the rule adopted by the agency

**OR**

- ☐ OBC requests revisions are made to the rule and the OBC works with the agency to address the issues. Rule remains in effect while OBC and agency amend the rule. OBC has six (6) months from the date the amendments are initiated by the OBC to complete the amendments through one of the following actions:
  - ☐ Agency and OBC agree on the content of the amendments, so the agency shall adopt the revised rule that has been agreed upon. If the revisions to the rule were substantial, the agency shall hold an additional public comment period for the rule.
  - ☐ Agency and OBC do not agree on the content of the amendments, OBC may defer the rule to the LOC for revisions as directed by the OBC. If the LOC makes substantial changes to the rule, the LOC shall hold an additional public comment period. When the rule is ready for adoption the LOC shall forward it to the OBC for consideration.

## APPENDIX B. Individual Rule Template



### Title \_\_. Title Name – Chapter \_\_ NAME OF LAW Rule # \_ – Name of Rule

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Topic of Rule

#### 1.1 Purpose and Authority

1.1-1. *Purpose.* [Add a purpose statement].

1.1-2. *Authority.* The \_\_ Law delegates rulemaking authority to the [add authorized entity] pursuant to the Administrative Rulemaking law.

#### 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the [add authorized entity] in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the [add authorized entity] and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to [add topic of rule].

#### 1.3. Definitions

1.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Department” means the \_\_.

#### 1.4. Topic of Rule

1.4-1. Rule information

- (a)
  - (1)
    - (A)
      - (i)
  - (b)
  - (c)

1.4-2. List requirements

*End.*

---

Original effective date: [add effective date established by authorized entity] (Certified by LOC on )

*End.*

## APPENDIX C. Rule Handbook Template



Title \_\_. Title Name – Chapter \_\_

Name of Law

Rule Nos. \_\_ through \_\_ – Name of Rule

### **I. Purpose, Delegation, Adoption, Amendment and Repeal**

1-1. *Purpose.* [Add a purpose statement].

1-2. *Authority.* The \_\_ Law delegates rulemaking authority to the [add authorized entity] pursuant to the Administrative Rulemaking law.

1-3. These rules were adopted by the [add authorized entity] in accordance with the procedures of the Administrative Rulemaking law.

1-4. These rules may be amended or repealed by the [add authorized entity] and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law. For the purpose of future amendments to these rules, each article is a separate rule and may be amended as such.

1-5. Should a provision of these rules or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of these rules which are considered to have legal force without the invalid portions.

1-6. In the event of a conflict between a provision of these rules and a provision of another rule, internal policy, procedure, or other regulation; the provisions of these rules shall control.

1-7. These rules supersede all prior rules, regulations, internal policies or other requirements relating to [add topic of rule].

1-8. This article I applies to each subsequent rule listed herein.

### **II. Definitions**

2-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “xxx” means the \_\_.

**III. Individual Rule Heading** [Each subsequent rule will appear as a article with numbering as provided in this example wherein the first number represents the article number and the second number references the section number within the article]

3-1.

(a)

(1)

(A)

(i)

3-2.

(a)

(1)

(A)

(i)

**IV. Individual Rule Heading** [Each subsequent rule will appear as a article with numbering as provided in this example wherein the first number represents the article number and the second number references the section number within the article]

4-1.

- (a)
  - (1)
    - (A)
      - (i)

4-2.

- (a)
  - (1)
    - (A)
      - (i)

*End.*

---

Adopted in whole [Insert Date of Adoption] – Effective [Insert Effective Date] – LOC Certified [Insert Date of LOC Certification]

Rule 3 Amended [Insert date of Rule 3 Amendments adoption] – Effective [Insert Effective Date] – LOC Certified [Insert Date of LOC Certification of the Amendments]



**APPENDIX D.****Summary Report Template**

Original effective date:

Amendment effective date:

**Name of Rule:**

**Name of law being interpreted:**

**Rule Number:**

**Other Laws or Rules that may be affected:**

**Brief Summary of the proposed rule:**

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Appendix E.

---

**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*

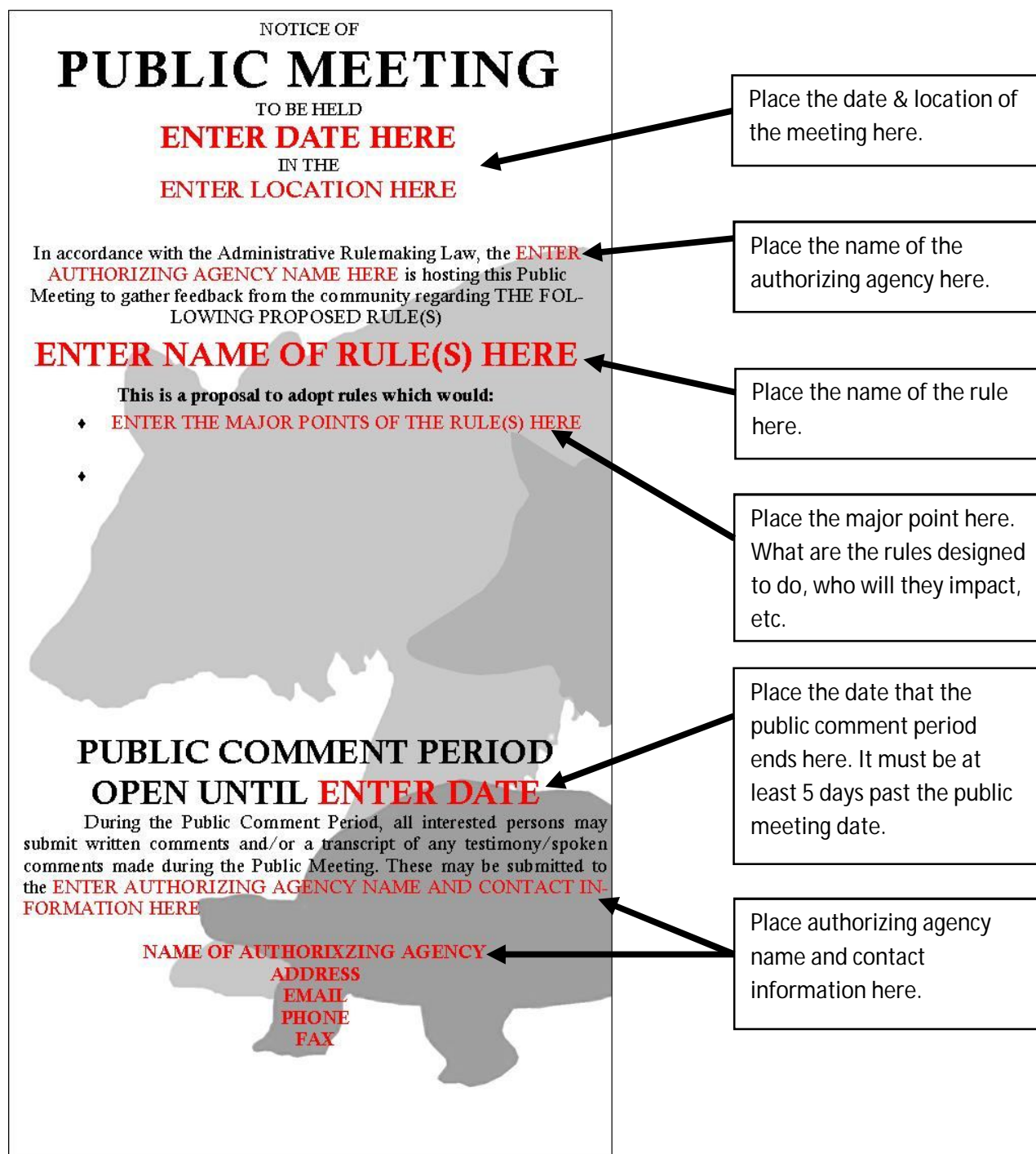
## APPPENDIX E.

### Financial Analysis Template

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs		
Personnel		
Office		
Documentation Costs		
Estimate of time necessary for an individual or agency to comply with the rule after implementation		
Other, please explain		
Total	Annual Net Revenue	

## APPENDIX F.

## Public Meeting Notice Template



NOTICE OF  
**PUBLIC MEETING**  
TO BE HELD  
**ENTER DATE HERE**  
IN THE  
**ENTER LOCATION HERE**

In accordance with the Administrative Rulemaking Law, the **ENTER AUTHORIZING AGENCY NAME HERE** is hosting this Public Meeting to gather feedback from the community regarding THE FOLLOWING PROPOSED RULE(S)

**ENTER NAME OF RULE(S) HERE**

This is a proposal to adopt rules which would:

- ♦ **ENTER THE MAJOR POINTS OF THE RULE(S) HERE**
- ♦

**PUBLIC COMMENT PERIOD**  
**OPEN UNTIL ENTER DATE**

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 **ENTER AUTHORIZING AGENCY NAME AND CONTACT INFORMATION HERE**

**NAME OF AUTHORIZING AGENCY**  
**ADDRESS**  
**EMAIL**  
**PHONE**  
**FAX**

Place the date & location of the meeting here.

Place the name of the authorizing agency here.

Place the name of the rule here.

Place the major point here. What are the rules designed to do, who will they impact, etc.

Place the date that the public comment period ends here. It must be at least 5 days past the public meeting date.

Place authorizing agency name and contact information here.

**APPENDIX G.****Public Meeting Sign In Sheet Template**

**Name of Proposed Rule**  
**Date, Time, Location of Public Meeting**

	<b>Name</b>	<b>Phone or Email</b>
<b>1</b>		
<b>2</b>		
<b>3</b>		
<b>4</b>		
<b>5</b>		
<b>6</b>		
<b>7</b>		
<b>8</b>		
<b>9</b>		
<b>10</b>		
<b>11</b>		
<b>12</b>		
<b>13</b>		
<b>14</b>		
<b>15</b>		
<b>16</b>		

## APPENDIX H.

### Chapter 17 Administrative Rulemaking Thotih<=l& lutyani<slu-n\$he>

*they are the leaders, they are making the laws, policies and rules*

17.1. Purpose and Policy  
17.2. Adoption, Amendment, Repeal  
17.3. Definitions  
17.4. General  
17.5. Preparation of Proposed Rules  
17.6. Public Comment Period on Proposed Rules

17.7. Oneida Legislative Operating Committee Certification of  
Procedural Compliance and Business Committee Review  
17.8. Effective Date of Rules  
17.9. Emergency Rules  
17.11. Judicial Review of a Rule

#### 17.1. Purpose and Policy

17.1-1. *Purpose.* The purpose of this Law is to provide a process for the adoption and amendment of administrative Rules.

17.1-2. *Policy.* It is the policy of the Tribe to ensure:

- (a) There is an efficient, effective and democratic process for enacting and revising administrative Rules.
- (b) That Authorized Agencies act in a responsible and consistent manner when enacting and revising the administrative Rules.

#### 17.2. Adoption, Amendment, Repeal

17.2-1. This Law was adopted by the Oneida Business Committee by resolution 02-24-16-C.

17.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

17.2-3. 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.

17.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law control.

17.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

#### 17.3. Definitions

17.3-1. 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 use.

- (a) “Authorized Agency” means any board, committee, commission, department, or officer of the Tribe that has been granted Rulemaking Authority.
- (b) “Business Day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Tribe.
- (c) “Financial Analysis” means an estimate of the total fiscal year financial effects associated with a proposed Rule prepared by the Authorized Agency proposing the Rule. It includes startup costs, personnel, office, documentation costs, an estimate of the amount of time necessary for an individual or agency to comply with the Rule after implementation.

(d) “Entity” means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the majority of the Tribe’s eligible voters and also any department of the Tribe.

(e) “Oneida Register” means the free legal periodical published on the Tribe’s website by the Legislative Operating Committee which contains, at a minimum, agency Rules, proposed legislation and notices, and either the Oneida Code of Laws or directions to obtain free access to the Oneida Code of Laws.

(f) “Rule” means a set of requirements enacted by an Authorized Agency in order to implement, interpret and/or enforce a law of the Tribe, which includes citation fee and penalty schedules.

(g) “Rulemaking Authority” means the delegation of authority to Authorized Agencies found in the Tribe’s laws other than this Law which allows Authorized Agencies to implement, interpret and/or enforce a law of the Tribe.

(h) “Statement of Effect” means a legislative and legal analysis which explains the effects that adopting a Rule would have on the Tribe.

(i) “Tribe” means the Oneida Tribe of Indians of Wisconsin.

#### **17.4. General**

17.4-1. *Administrative Rulemaking.* Only Authorized Agencies may promulgate Rules; this Law does not confer Rulemaking Authority. Authorized Agencies shall adhere to the Rulemaking procedures as provided in this Law. Authorized Agencies may promulgate Rules interpreting the provisions of any law enforced or administered by it; provided that, a Rule may not exceed the Rulemaking Authority granted under the law for which the Rule is being promulgated.

(a) This Law does not apply to standard operating procedures, which for the purposes of this section are statements, interpretations, decisions, internal rules, regulations, internal policies, procedures or other matters concerning internal management of an agency, which do not affect the private rights or interests of individuals outside of the agency.

(b) Rules developed pursuant to this Law have the same force and effect as the law which delegated the Authorized Agency Rulemaking Authority and must be followed by both the general public and the Authorized Agency promulgating the Rule.

17.4-2. *Authorized Agency Solicitation of Comment on General Subject Matter.* For the purpose of soliciting public comment, an Authorized Agency may hold a public meeting on the general subject matter of a possible or anticipated Rule before preparing a proposed Rule. However, a public meeting under this subsection does not satisfy the requirements of Section 17.6 hereof with respect to promulgation of a specific proposed Rule.

17.4-3. *Substantial Compliance.* Any Rule hereafter adopted is valid only if adopted in substantial compliance with this Law, however Rules already in effect at the time of this Law’s adoption remain in effect unless directed to be updated based on this Law’s requirements by the Oneida Business Committee. Any amendments made to Rules already in effect must follow the requirements of this Law.

## **17.5. Preparation of Proposed Rules**

17.5-1. *Form and Style.* The Legislative Operating Committee shall create a template for Rules with which Authorized Agencies shall comply; the said template is not subject to the procedural requirements of this Law.

(a) At a minimum, all Rules must be numbered in the following consistent manner “1-1(a)(1)(A)(i)” where:

- (1) “1-1” means the first section.
- (2) “(a)” means the first subsection.
- (3) “(1)” means the second subsection.
- (4) “(A)” means the third subsection.
- (5) “(i)” means the fourth subsection.

(6) All other numbering after the fourth subsection must be in a logical manner.

17.5-2. *Summary Report.* The Authorized Agency shall prepare a summary report regarding each proposed Rule, which must be attached to the proposed Rule when presented for public comment and for approval through the Oneida Legislative Operating Committee and ultimately the Oneida Business Committee. The summary report must include:

- (a) the name of the proposed Rule;
- (b) a reference to the law that the proposed Rule interprets, along with a list of any other related laws or rules that may be affected by the proposed Rule;
- (c) a brief summary of the proposed Rule and any changes made to the proposed Rule based on the public comment period required by Section 17.6 hereof, if applicable;
- (d) a Statement of Effect for the Rule which the Legislative Reference Office shall prepare upon request by the Authorized Agency; and
- (e) the Financial Analysis, for which the Authorized Agency shall send a written request to each Entity that may be affected by the proposed Rule soliciting information on how the proposed Rule would financially affect the Entity; each Entity’s response indicating its financial affects must be included in the Financial Analysis.

(1) If an Authorized Agency does not receive a response from one (1) or more Entities regarding its request for the Entities’ financial effects of the Rule within ten (10) business days of the date of the request, it may submit a Financial Analysis noting which Entities were non-responsive to its request.

## **17.6. Public Comment Period on Proposed Rules**

17.6-1. A proposed Rule, except a Rule promulgated under the emergency Rules exemptions under Section 17.9, must be preceded by a public comment period, which must include a public meeting. Nothing in this Section prohibits or restricts the holding of any other type of community meeting which may be used to gather input on Rules.

17.6-2. *Public Meetings.* When a public meeting on a proposed Rule is scheduled by an Authorized Agency, it must be held in accordance with the following requirements.

- (a) The Authorized Agency shall set a date for the public meeting and have the notice published in the Kalihwisaks and on the Oneida Register not less than ten (10) business days prior to the meeting.
- (b) The notice must include:

(1) information for electronically accessing the summary report required under Section 17.5-2 and a statement that hard copies will be available with the Entity;



- (2) the date, time, and place of the scheduled public meeting; and
- (3) the name, address, phone number, and other appropriate information to submit written comments on the Rule and the time period during which the Authorized Agency shall accept comments.

(c) The Authorized Agency shall hold a public meeting at the date, time and place designated in the meeting notice.

(d) The Authorized Agency holding the public meeting shall have a representative to preside at the meeting who shall briefly describe the Rule which is the subject of the public meeting and the nature of the Rule's requirements, and then open the meeting for comments. The Authorized Agency's presiding representative is not required to comment or respond to comments at the meeting, but may, at his/her discretion, offer clarity.

(e) *Registration.* The Authorized Agency shall create and bring to the public meeting a sign-in sheet; persons attending the public meeting shall register at the meeting by signing the sign-in sheet.

(f) The Authorized Agency shall audio record the public meeting and persons who provide oral comments shall state their name for the record.

(g) The Authorized Agency shall hold the record open for the submission of written comments for a minimum of five (5) business days following the public meeting, provided that, the Authorized Agency may extend the comment period as it deems appropriate by posting an amended Notice of Public Meeting based on the notice requirements found in Section 17.6-2(b) at any time prior to the close of the original public comment period which identifies the extended comment period ending date.

17.6-3. *Public Comments.* The Authorized Agency shall fully consider all comments received during the public comment period and during any public meeting held regarding a proposed Rule.

## **17.7. Oneida Legislative Operating Committee Certification of Procedural Compliance and Business Committee Review**

17.7-1. After a public meeting is held and the public comment period has expired, the Authorized Agency shall submit the proposed Rule and the items it must contribute for the administrative record pursuant to Section 17.10 to the Legislative Operating Committee, which is responsible for certifying that promulgation of the Rule complies with the procedural requirements contained in this Law.

17.7-2. Upon receipt of a complete submission, as required by this Section, the Legislative Operating Committee shall take one (1) of the following actions:

- (a) If the Legislative Operating Committee is able to certify that the Authorized Agency has complied herewith, it shall forward items (b) and (c) of the Administrative Record under Section 17.10 received by the Legislative Operating Committee to the Oneida Business Committee with a written certification that the requirements of this Law have been fulfilled, and shall publish the Rule on the Oneida Register; or
- (b) If the Legislative Operating Committee is not able to certify that the Authorized Agency has complied herewith, it shall return the proposed Rule to the Authorized Agency with specific feedback as to which procedural requirements were not fulfilled by the Authorized Agency.

17.7-3. The Oneida Business Committee shall review the proposed Rule, the summary report, the memorandum containing the public comments that were received, both orally and written, and the Authorized Agency's response to each comment, and the Legislative Operating Committee's certification of compliance. If upon review the Oneida Business Committee has any concerns and/or requested revisions to the Rule, the Authorized Agency shall work with the Oneida Business Committee to address any concerns.

(a) Unless the Oneida Business Committee repeals the Rule, the Rule will remain in effect while the Authorized Agency and the Oneida Business Committee jointly work to amend the existing Rule.

(1) Should the Oneida Business Committee repeal the Rule adopted by the Authorized Agency, the Rule that was in effect immediately previous to those repealed, if any, will be automatically reinstated and effective immediately upon the repeal of the Rule adopted by the Authorized Agency.

(b) If the Authorized Agency does not receive written notice from the Oneida Business Committee of intent to repeal or amend the Rule within thirty (30) days of the date the Oneida Business Committee is provided notice of the Rule, the Rule will remain in effect as submitted and certified by the Legislative Operating Committee.

(c) Should the Oneida Business Committee pursue amendments to the Rule, the amendments must be completed through one (1) of the following actions within six (6) months from the date the amendments are initiated by the Oneida Business Committee:

(1) if the Authorized Agency and the Oneida Business Committee reach an agreement as to the content of the amendments, the Authorized Agency shall adopt the revised Rule that has been discussed with and agreed upon by the Oneida Business Committee. Provided that, if substantial revisions are requested by the Oneida Business Committee, where the consideration of a substantial revision is in the Authorized Agency's best informed discretion, the Authorized Agency shall hold an additional public comment period, which would restart the process beginning in Section 17.6 hereof ; or

(2) if the Authorized Agency and the Oneida Business Committee do not reach an agreement as to the content of the amendments, the Oneida Business Committee may defer the Rule to the Legislative Operating Committee for revisions as directed by the Oneida Business Committee. If substantial revisions are requested by the Oneida Business Committee, where the consideration of a substantial revision is in the Legislative Operating Committee's best informed discretion, the Legislative Operating Committee shall hold an additional public comment period according to the requirements contained in Section 17.6 with the Legislative Operating Committee taking the place of the Authorized Agency. When the Rule is ready for adoption, the Legislative Operating Committee shall forward it to the Oneida Business Committee for consideration.

(d) If a revised Rule is not adopted by either the Authorized Agency or the Oneida Business Committee within six (6) months from the date the amendments are initiated by the Oneida Business Committee, the Rule originally adopted by the Authorized Agency will remain in effect.

(e) If revisions are made to the Rule by either the Authorized Agency or the Oneida Business Committee, such party making the revisions shall provide a final version of the

Rule to the Legislative Operating Committee. Upon receipt, the Legislative Operating Committee shall update the Oneida Register with the final version of the Rule.

### **17.8. Effective Date of Rules**

17.8-1. The Authorized Agency shall determine a Rule's effective date, provided that a Rule may not become effective until the Legislative Operating Committee has provided the Authorized Agency with the written certification required by Section 17.7-2(a). A failure to publish an approved Rule by its effective date does not change the effective date of the Rule.

### **17.9. Emergency Rules**

17.9-1. An Authorized Agency may present the Oneida Legislative Operating Committee with a proposed emergency Rule without a public comment period being held if it finds there is an emergency situation that requires the enactment or amendment of a Rule for the immediate preservation of the public health, safety, or general welfare of the Reservation population and the enactment or amendment is required sooner than would be possible under the normal Rulemaking process. The Authorized Agency shall submit to the Legislative Operating Committee the proposed emergency Rule with reasoning to justify the emergency and a summary report, provided that the deadline for Entities' submission of financial impacts pursuant to Section 17.5-2(e)(1) may be reduced to a minimum of two (2) business days. Upon receipt, the Legislative Operating Committee shall review the submission and take one (1) of the following actions:

- (a) reject the proposed emergency Rule on the basis that there is not a valid emergency; or
- (b) accept that there is a valid basis for an emergency and forward the emergency Rule to the Oneida Business Committee.

17.9-2. If the proposed emergency Rule is forwarded to the Oneida Business Committee, the Oneida Business Committee shall review the proposed emergency Rule, the summary report and the reasoning suggested for the emergency situation and take one (1) of the following actions:

- (a) reject the proposed emergency Rule on the basis that there is not a valid emergency; or
- (b) accept that there is a valid basis for an emergency and adopt, by motion, the emergency Rule, provided that, if the Oneida Business Committee deems it necessary, it may make revisions to the emergency Rule.

- (1) If the Oneida Business Committee makes revisions to the emergency Rule that the Authorized Agency does not support, such concerns may be addressed when the Authorized Agency begins the process for enactment of the permanent Rule.

17.9-3. An emergency Rule becomes effective immediately upon its adoption by the Oneida Business Committee and remains in effect for a period of up to six (6) months, with an opportunity for a one-time emergency extension of up to six (6) months. Requests for the one-time emergency extension may be brought by the Authorized Agency directly to the Oneida Business Committee for consideration and shall become effective upon the Oneida Business Committee's approval and adoption by motion. An emergency Rule will:

- (a) expire when six (6) months have passed since the emergency Rule went into effect and an emergency Rule extension has not been approved; or

(b) expire when six (6) months have passed since the emergency Rule extension went into effect; or

(c) no longer be in effect when a Rule is permanently adopted in the emergency Rule's place before the emergency Rule expires under (a) or (b).

17.9-4. As soon as possible after emergency adoption, and if permanent adoption is desired, the Authorized Agency shall follow the regular procedures as provided under this Law to adopt the permanent Rule.

17.9-5. The Legislative Operating Committee shall publish the emergency Rule on the Oneida Register.

### **17.10. Creating and Maintaining an Administrative Record of Rules**

17.10-1. The Legislative Reference Office, with information the Authorized Agencies shall provide, shall create and maintain a complete record of all proposed and adopted Rules, which must include the following:

(a) A memorandum provided by the Authorized Agency containing the Rule's procedural timeline including the dates the requirements of this Law were fulfilled by the Authorized Agency and any supporting documentation, which includes, but is not limited to:

(1) Drafts of the Rule considered for the required Public Meeting;

(2) The Public Meeting notice;

(3) If the Rule is being amended, redline drafts from the currently effective Rule;

(4) Minutes from the agency's meeting during which the proposed Rule was considered as an agenda item, or, if the Authorized Agency is not a board, committee or commission, a memo from the Entity's highest level of management approving the proposed Rules; and

(5) Any other supporting information that may be requested by the Legislative Reference Office;

(b) The summary report required under Section 17.5-2 provided by the Authorized Agency;

(c) A memorandum provided by the Authorized Agency containing the public comments that were received, both orally and written, and the Authorized Agency's response to each comment; and

(d) The effective dates of the original Rules and any Rule amendments subsequently made as established by the Authorized Agency.

17.10-2. Prior to publishing approved Rules on the Oneida Register under either Section 17.7-3(f) or 17.9-5, the Legislative Operating Committee shall create and/or update the administrative history on each Rule which must include the original effective date of the Rule and the effective date of any amendments made to the Rule.

### **17.11. Judicial Review of a Rule**

17.11-1. The Judiciary may render a declaratory judgment to determine the validity of a Rule in the same manner that the Judiciary may do so for a Law; as identified in section 150.5-2(e) of the Judiciary Law. Provided that, no Rule may be contested based on non-compliance with the procedural requirements of this Law after one (1) year has elapsed from the effective date of the Rule.

17.11-2. Upon the Authorized Agency's receipt of notice that an appeal has been filed regarding a Rule of the said agency, the Authorized Agency that promulgated the Rule shall request the Administrative Record of the Rule created under Section 17.10 and shall submit the said record to the Oneida Judiciary.

### **17.12. Standard of Review for Actions Taken by Authorized Agencies**

17.12-1. Any Tribal body hearing an appeal or contest of an action taken pursuant to Rules created under Authorized Agencies delegated authority and the requirements of this Law, upon consideration of the Rule and the circumstances regarding the action taken may take any one (1) of the following actions:

- (a) Uphold the action taken;
- (b) Reverse or modify the action taken;
- (c) If at the second level of appeal, remand the matter for further consideration.

17.12-2. When hearing an appeal or contest of an action as described in this Section, the Tribal hearing body shall recognize that the Authorized Agency is accepted by the Tribe as the subject matter expert in the given field and shall provide the Authorized Agency with deference by upholding the action unless it finds that the action:

- (a) Amounts to a violation of the Tribe's Constitution;
- (b) Was in excess of the Authorized Agency's Rulemaking Authority or is otherwise unlawful;
- (c) Was clearly erroneous in view of the entire administrative and factual records; or
- (d) Was arbitrary or capricious; or
- (e) Exhibited a procedural irregularity which would be considered a harmful error that may have contributed to the final decision and if said irregularity were not present, the decision would have been different.

*End.*

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Adopted – BC-02-24-16-C

# December 2016

December 2016						
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

January 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				

Monday		Tuesday		Wednesday		Thursday		Friday	
<b>Nov 28</b>		<b>29</b>		<b>30</b>		<b>Dec 1</b>		<b>2</b>	
Nov 28 - Dec 2									
<b>5</b>		<b>6</b>		<b>7</b>		<b>8</b>		<b>9</b>	
Dec 5 - 9				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar					
<b>12</b>		<b>13</b>		<b>14</b>		<b>15</b>		<b>16</b>	
Dec 12 - 16				BC Meeting (BCCR)					
<b>19</b>		<b>20</b>		<b>21</b>		<b>22</b>		<b>23</b>	
Dec 19 - 23				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar				12:00pm 4:30pm Christmas Eve Holiday	
<b>26</b>		<b>27</b>		<b>28</b>		<b>29</b>		<b>30</b>	
Dec 26 - 30		Christmas Holiday		BC Meeting (BCCR)					

# January 2017

January 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				

February 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				

	Monday	Tuesday	Wednesday	Thursday	Friday
Jan 2 - 6	Jan 2	3	4	5	6
Jan 9 - 13	9	10	11	12	13
			BC Meeting (BCCR)		
Jan 16 - 20	16	17	18	19	20
Jan 23 - 27	23	24	25	26	27
			BC Meeting (BCCR)		
Jan 30 - Feb 3	30	31	Feb 1	2	3