



## LEGISLATIVE OPERATING COMMITTEE MEETING REVISED AGENDA

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

April 2, 2018 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
  1. March 7, 2018 LOC Meeting Minutes (pg. 2)
- III. Current Business**
  1. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (pg. 4)
  2. Sanctions and Penalties law (pg. 21)
  3. Petition – Metivier: Treatment Clinic (pg. 32)
- IV. New Submissions**
  1. Tribal Identification law (pg. 34)
- V. Additions**
  1. Community Support Fund Law Amendments (pg. 42)
  2. Child Care Department Consumer Complaint Law Amendments (pg. 43)
- VI. Administrative Updates**
  1. Domestic Animals law Rule No. 1 – Licensing Fines, Fees and Penalties (pg.44)
  2. Children’s Code Implementation Quarterly Update E-Poll (pg. 66)
- VII. Executive Session**
- VIII. Recess/Adjourn**



## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

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

March 07, 2018

9:00 a.m.

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

**Excused:** Jennifer Webster

**Others Present:** Brandon Wisneski, Clorissa Santiago, Tani Thurner, Rae Skenandore, Michelle Gordon, Lee Cornelius

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

David P. Jordan called the March 7, 2018 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Kirby Metoxen to adopt the agenda; seconded by Daniel Guzman King. Motion carried unanimously.

### II. Minutes to be approved (0:53-1:14)

#### February 21, 2018 LOC minutes

Motion by Ernest Stevens III to approve the February 21, 2018 LOC meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

### III. Current Business

### IV. New Submissions

#### 1. Child Support Amendments (1:19-7:01)

Motion by Kirby Metoxen to add the Child Support Amendments to the active files list as a high priority and assign David P. Jordan as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

#### 2. Petition Metivier-Treatment Clinic (7:04-10:36)

Motion by Kirby Metoxen to add Petition Metivier-Treatment Clinic to the active files list as a high priority and assign Daniel Guzman King as the sponsor; seconded by Ernest Stevens III. Motion carried.

\*\*\* note: Ernest Stevens III stated for the record that something like this doesn't always need to go through a petition to be a priority.

**V. Additions**

**VI. Administrative Updates**

**1. Oneida Business Committee Meetings Law (10:40-13:53)**

Motion by Daniel Guzman King to approve the Oneida Business Committee Meetings law six (6) month review; changing the date from March 13 to March 14; seconded by Ernest Stevens III. Motion carried unanimously.

**VII. Executive Session**

**VIII. Adjourn**

Motion by Ernest Stevens III to adjourn the March 7, 2018 Legislative Operating Committee meeting at 9:15 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee  
April 2, 2018

# Comprehensive Policy Governing Boards, Committees and Commissions Amendments

<b>Submission Date:</b> 9/6/17	<b>Public Meetings:</b> n/a
<b>LOC Sponsor:</b> Jennifer Webster	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *This item was carried over from the last two terms. Amendments were originally requested to: prohibit individuals from serving on multiple boards, committees and commissions at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions.*

**9/6/17 LOC:** Motion by Jennifer Webster to add Comprehensive Policy Governing Boards, Committees, and Commissions Amendments to the active files list with Jennifer Webster as the sponsor; seconded by Ernest Stevens III. Motion carried unanimously.

**9/6/17:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner, Cathy Bachhuber. Drafting attorney provided an update on the status of Comprehensive Policy Governing Boards, Committees and Commissions amendments. Next steps will be: 1) pull the current draft back, 2) have work meetings with LOC for policy determinations, 3) conduct work meetings with boards, committees and commissions for input.

**9/21/17:** *Work Meeting.* Present: Jennifer Webster, Clorissa Santiago, Candice Skenandore, Jennifer Falck, Daniel Guzman King, Chad Wilson, Carol Silva, Gene Danforth, Mary Ann Krueheleg, Dakota Webster, Bonnie Pigman, Louis Powless, Lois Strong, Patricia Lassila, Raquel Hill, Laura Manthe, Lee Cornelius, Chaz Wheelock, Carol Elm. The purpose of this meeting was to collect input from members of boards, committees, and commissions on how to improve the currently effective law. Written comments will be accepted until October 11, 2017, and then all information will be compiled and brought back to the LOC.

**10/2/17:** *Work Meeting.* Present: Jennifer Webster, Clorissa Santiago, Candice Skenandore, Lee Cornelius, Stephen Webster, Brooke Doxtator. The purpose of this meeting was to collect input from the Oneida Nation Secretary’s Office, and the Business Committee Support Office on how to improve the currently effective law.

**10/27/17:** *Work Meeting.* Present: Kirby Metoxen, Jennifer Webster, Cathy Bachhuber, Jennifer Falck, Daniel Guzman King, Candice Skenandore, Clorissa Santiago, Rosa Laster, Rae Skenandore. The purpose of this meeting was to go through the comments/suggestions collected from the boards, committees and commissions; BC Support Office and previous drafts to make policy considerations for the new proposed draft.

**11/1/17 LOC:** Motion by Kirby Metoxen approve the 60 day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

*Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Clorissa Santiago, Candice Skenandore, Jennifer Falck, Maureen Perkins, Rae Skenandore. The purpose of this meeting was to continue going through the comments/suggestions collected from the boards, committees and commissions; BC Support Office and previous drafts to make policy considerations for the new proposed draft.

**2/2/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Cathy Bachhuber. The LOC reviewed and discussed the first draft. Drafting attorney will update law to reflect revisions discussed. A LOC work meeting to discuss stipends will be scheduled, as well as a work meeting with all boards, committees, and commissions to review first draft.

**2/15/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Cathy Bachhuber. The purpose of this meeting was to go over the current reality of stipends, and discuss how the LOC wants to proceed with stipends in the future, so that the resolution containing stipend information can be drafted. The conversation on stipends in regards to hearings will be continued at another work meeting, and the drafting attorney will begin drafting the resolution.

**2/22/18:** *Work Meeting.* Present: Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Dale Webster, Lois Strong, John Breuninger, Floyd Hill, Bonnie Pigman, Matt W. Denny, Vicki Cornelius, Raw Skenandore, Carol Silva, Brooke Doxtator, Carol L. Elm, Mark Powless, Dylan Benton, Maureen Perkins. The purpose of this meeting was to go over the members of the various boards, committees, and commissions opinion, comments, concerns, and suggestions on the proposed drafted amendments. The drafting attorney will take all comments and suggestions to the LOC for review and consideration.

**3/2/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Clorissa Santiago, Brandon Wisneski, Laura Laitinen-Warren, Lisa Summers. The LOC reviewed and considered all comments received from the boards, committees, and commissions. The drafting attorney will make all revisions the LOC determined were necessary.

**3/16/18:** *Work Meeting:* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. LOC reviewed revisions made based on the last LOC work session and directed changes be made, and that the draft be e-pollled on March 21, 2018, so that the LOC may direct that the legislative analysis be completed.

**3/21/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Brooke Doxtator, Tony Doxtator, Victoria Krueger. The purpose of this work meeting was to discuss the requirement in the current draft that all BCC members have an official Oneida email, that is different than their employee email address, if applicable. The goal was to obtain an IT perspective on this issue from MIS, and to discuss the realities, challenges, and timelines this requirement will result in. The group will meet again to discuss this issue in a couple weeks, once the various MIS departments have an opportunity to meet further.

**Next Steps:**

- Accept the draft of the Comprehensive Policy Governing Boards, Committees, and Commissions amendments and direct that a legislative analysis be completed.

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**Title 1. Government and Finances – Chapter 105**  
**BOARDS, COMMITTEES AND COMMISSIONS**  
**Laotiyani sh&ha k<tyohkway<=se>**  
*Their laws of the groups we have*

105.1. Purpose and Policy	105.10. Bylaws
105.2. Adoption, Amendment, Repeal	105.11. Reporting Requirements
105.3. Definitions	105.12. Stipends, Reimbursement and Compensation
105.4. Creation of an Entity	105.13. Confidential Information
105.5. Applications	105.14. Conflicts of Interest
105.6. Vacancies	105.15. Use of the Nation's Assets
105.7. Appointment to an Entity	105.16. Dissolution of an Entity
105.8. Election to an Entity	105.17. Enforcement
105.9. Oath of Office	

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- 1  
2 **105.1. Purpose and Policy**  
3 105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the  
4 Nation, including the procedures regarding the appointment and election of persons to boards,  
5 committees and commissions, creation of bylaws, maintenance of official records, compensation,  
6 and other items related to boards, committees and commissions. This law does not apply to the  
7 Oneida Business Committee, or Tribal corporations due to the corporate structure and autonomy  
8 of those entities.  
9 105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing  
10 and appointing or electing the most qualified persons to boards, committees and commissions,  
11 for creation of bylaws governing boards committees and commissions, and for the maintenance  
12 of information created by and for boards, committees and commissions.  
13  
14 **105.2. Adoption, Amendment, Repeal**  
15 105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-14-97-F  
16 and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-\_\_-\_\_-\_\_-\_\_.  
17 105.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to  
18 the procedures set out in the Legislative Procedures Act.  
19 105.2-3. Should a provision of this law or the application thereof to any person or circumstances  
20 be held as invalid, such invalidity shall not affect other provisions of this law which are  
21 considered to have legal force without the invalid portions.  
22 105.2-4. In the event of a conflict between a provision of this law and a provision of another  
23 law, the provisions of this law shall control.  
24 105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
25  
26 **105.3. Definitions**  
27 105.3-1. This section shall govern the definitions of words and phrases used within this law. All  
28 words not defined herein shall be used in their ordinary and everyday sense.  
29 (a) "Application" means the form by which a person seeks to be appointed to fill a  
30 vacancy on an entity.  
31 (b) "Appointment" means the process by which a person is chosen to fill a vacancy on an

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32 entity by the Oneida Business Committee.

33 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m.,  
34 excluding holidays recognized by the Nation.

35 (d) "Bylaws" means a document which provides a framework for the operation and  
36 management of a board, committee, or commission of the Nation chiefly for the  
37 government of its members and the regulation of its affairs.

38 (e) "Conference" means any training, seminar, meeting, or other assembly of persons  
39 which is not an assembly of the entity.

40 (f) "Confidential information" means all information or data, whether printed, written, or  
41 oral, concerning business or customers of the Nation, disclosed to, acquired by, or  
42 generated by a member of an entity in confidence at any time during their elected or  
43 appointed term or during their employment.

44 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,  
45 financial, political, or otherwise, in which an elected official, officer, political appointee,  
46 employee, contractor, or appointed or elected member, or their immediate family  
47 members, friends or associates, or any other person with whom they have contact, have  
48 that conflicts with any right of the Nation to property, information, or any other right to  
49 own and operate activities free from undisclosed competition or other violation of such  
50 rights of the Nation. In addition, conflict of interest also means any financial or familial  
51 interest an elected official, officer, political appointee, employee, contractor, or appointed  
52 or elected member or their immediate family members may have in any transaction  
53 between the Nation and an outside party.

54 (h) "Entity" means a board, committee or commission created by the General Tribal  
55 Council or the Oneida Business Committee whose members are appointed by the Oneida  
56 Business Committee or elected by the Nation's membership.

57 (j) "Nation" means the Oneida Nation.

58 (k) "Per Diem" means the payment made by the Nation to offset the costs of being out-  
59 of-town or to travel on behalf of the Oneida Nation.

60 (l) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine  
61 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance  
62 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
63 States Code. This also includes prescription medication or over-the-counter medicine  
64 used in an unauthorized or unlawful manner.

65 (m) "Stipend" means that amount paid by the Oneida Nation to persons serving on  
66 boards, committees and commissions of the Oneida Nation to offset the expenses of  
67 being a member on the board, committee or commission. Stipends are paid in the form of  
68 cash or cash equivalent, which may include, but is not limited to, gift cards.

69 (n) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all  
70 members of the entity; which is designated one (1) or more specific responsibilities on  
71 behalf of the entity.

72 (o) "Substantiated complaint" means a complaint or allegation in a complaint that was  
73 found to be valid by a preponderance of the evidence.

74 (p) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal,  
75 the accomplishment of which means the disbanding of the group. The goal is generally  
76 accomplished in a short time period, i.e. less than one year, but the goal itself may be

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77 long-term.

78 (q) "Vacancy" means any position on any board, committee or commission caused by  
79 resignation, end of term, removal, termination, or creation of a new position.  
80

#### 81 **105.4. Creation of an Entity**

82 105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida  
83 Business Committee or General Tribal Council.

84 105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all  
85 powers and responsibilities delegated to the entity.

86 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of  
87 the entity.  
88

#### 89 **105.5. Applications**

90 105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of  
91 the Nation. All application materials shall be available in the Business Committee Support Office  
92 and any other location specified by the Business Committee Support Office.

93 (a) All applications shall include a statement explaining the attendance requirements of  
94 section 105.11-3.

95 (b) An additional application form shall be required for those entities that require a  
96 background investigation. This background investigation application shall include the  
97 applicant's social security number and any other information required for a background  
98 investigation. The background investigation application shall be solely used for the  
99 background investigation and not included in the application materials that are then  
100 shared with the Oneida Business Committee, entity, and/or the Election Board.

101 105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of  
102 the deadline date. Postmarked envelopes are accepted as filed if postmarked by the deadline date  
103 and received by the Business Committee Support Office within five (5) business days of the  
104 deadline.

105 105.5-3. At the completion of the posted deadline for filing applications the Business Committee  
106 Support Office shall notify all persons who have filed an application of the date his or her  
107 application was received and if his or her application met the deadline to be considered for the  
108 election or appointment.

109 105.5-4. Applications for elected positions shall be verified according to the Nation's laws  
110 and/or policies governing elections. Applications for appointed positions shall be verified by the  
111 Business Committee Support Office as needed or as required in the bylaws of the entity.

112 105.5-5. *Insufficient Applicants.* In the event that there are an insufficient number of applicants  
113 after the deadline date has passed for appointed positions, the Oneida Business Committee may  
114 elect to:

115 (a) include within the pool of appointed persons late applications, or

116 (b) repost for an additional time period. In the event of reposting, prior applicants will  
117 be considered to have filed applications within the deadline period.  
118

#### 119 **105.6. Vacancies**

120 105.6-1. The manner by which an individual fills a vacancy, either through election or  
121 appointment, shall determine that member's status as an appointed or elected official, despite the



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122 entity's classification as an appointed or elected entity pursuant to the entity's bylaws. Unless, a  
123 law of the Nation indicates that removal of an official shall be done pursuant to the Removal law,  
124 an appointed individual may have his or her appointment terminated by the Oneida Business  
125 Committee.

126 105.6-2. A position on an entity shall be considered vacant in the following situations:

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

129 (1) Although a position is considered vacant once the term ends, the member of  
130 the entity may remain in office until the member's successor has been sworn in by  
131 the Oneida Business Committee in an effort to prevent a discontinuation of  
132 business or a loss of quorum for the entity.

133 (b) *Removal*. Removal is effective, pursuant to any law and/or policy of the Nation  
134 regarding removal.

135 (c) *Termination of Appointment*. A termination is effective upon a two-thirds (2/3)  
136 majority vote of the Oneida Business Committee in favor of a member's termination of  
137 appointment.

138 (d) *Resignation*. A resignation is effective upon:

139 (1) Deliverance of a letter to the Business Committee Support Office;

140 (A) Upon receipt of resignation, the Business Committee Support Office  
141 will notify the entity of the resignation;

142 (2) Deliverance of a letter to the Chairperson of the entity, or designee, or

143 (3) Acceptance by motion of the entity of a verbal resignation.

144 (e) *New Positions*. Vacancies on new entities are effective upon adoption of bylaws.

145 105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity  
146 learns that a position has or will become vacant. All notices of vacancy shall be sent to the  
147 entities for clarification or confirmation prior to notification to the Oneida Business Committee.

148 105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the  
149 Secretary. The Secretary shall request and receive approval from the Oneida Business  
150 Committee to post the notice of vacancy. The Secretary shall post notice of vacancies at the  
151 following times:

152 (a) *End of Term*. Automatically thirty (30) days prior to completion of the term.

153 (b) *Removal*. No later than the first Oneida Business Committee meeting following the  
154 effective date of the removal.

155 (c) *Resignation*. No later than the first Oneida Business Committee meeting following  
156 the Secretary's receipt of notice of an effective resignation from the entity.

157 (d) *New Positions*. Upon one of the following conditions:

158 (1) if not specified, immediately upon creation of entity or adoption of bylaws,  
159 whichever is later, or

160 (2) upon date specified when creating the entity.

161 (f) *Termination of appointment*. No later than the first Oneida Business Committee  
162 meeting following the effective date of the termination.

163 105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all  
164 official media outlets of the Nation, as determined by the Oneida Business Committee, as well as  
165 any other location deemed appropriate by the Secretary.

166

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2018 04 02**105.7. Appointment to an Entity**

105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the applicant for an appointed position is selected:

(a) Five (5) business days after the posted deadline for submitting an application, or within twenty-one (21) days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the Business Committee Support Office shall:

(1) deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and

(2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made.

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may have until the executive session to review the application materials and provide the Oneida Business Committee a recommendation of an applicant for appointment.

(c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants, and any recommendation made by the Chairperson of the entity, during executive session. After completing a thorough discussion, the Oneida Business Committee shall:

(1) choose an applicant for appointment, or

(2) ask the Oneida Nation's Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.

(d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meetings. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

(e) During the open session of the regular or special Oneida Business Committee meeting, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:

(1) accept the selected applicant and vote to appoint the individual to the vacant position, or

(2) reject the selected applicant and vote to oppose the appointment of the individual.

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida Business Committee meeting, the Nation's Secretary shall notify all applicants of the

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212 final status of their application.

213 (a) The Nation's Chairperson shall forward a list of all applicants to the Nation's  
214 Secretary and the final decision regarding the selection after the procedures for selection  
215 of an applicant described in section 105.7-1 are completed.

216 (b) The Nation's Secretary shall include on the notice to the applicant selected for  
217 appointment the following paragraph: "The Oneida Nation reports all income paid by the  
218 Oneida Nation in whatever form. The Internal Revenue Service of the United States  
219 considers stipends paid to members of boards, committees, and commissions to be  
220 income which may be offset by expenses related to that income. You will receive an  
221 income report which is also forwarded to the Internal Revenue Service, it is also your  
222 responsibility to keep documentation of expenses related to this income."

223 105.7-3. *Termination of Appointment.* Appointed members of entities serve at the discretion of  
224 the Oneida Business Committee. Upon the recommendation of a member of the Oneida  
225 Business Committee or the entity, a member of an appointed entity may have his or her  
226 appointment terminated by the Oneida Business Committee by a two-thirds majority vote of the  
227 Oneida Business Committee.

228 (a) The Oneida Business Committee's decision to terminate an appointment is final and  
229 not subject to appeal.

230

### 231 **105.8 Election to an Entity**

232 105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election  
233 Board, or petition for ballot placement, in accordance with the Nation's laws and/or policies  
234 governing elections, except where an entity's bylaws allow for a vacancy to be filled by  
235 appointment.

236 (a) When the Election Board notifies a petitioner or nominee that he or she is eligible to  
237 be placed on the ballot, the following paragraph shall be included: "The Oneida Nation  
238 reports all income paid by the Nation in whatever form. The Internal Revenue Service of  
239 the United States considers stipends paid to members of boards, committees, and  
240 commissions to be income which may be offset by expenses related to that income. You  
241 will receive an income report which is also forwarded to the Internal Revenue Service, it  
242 is also your responsibility to keep documentation of expenses related to this income."

243 105.8-2. All other processes for the election of a member of an entity shall be as directed by the  
244 Nation's laws and/or policies governing elections.

245

### 246 **105.9. Oath of Office**

247 105.9-1. All appointed and elected positions are official upon taking an oath during a regular or  
248 special Oneida Business Committee meeting. All rights and delegated authorities of membership  
249 in the entity shall vest upon taking the oath. The Nation's Secretary shall notify the chosen  
250 persons when they shall appear for taking the oath.

251 (a) The appointed or elected member shall appear in person at the Oneida Business  
252 Committee meeting to take his or her oath, except if granted permission by the Secretary  
253 to appear by video conferencing equipment.

254 105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of  
255 oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on  
256 file by the Business Committee Support Office.

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257 105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath,  
258 shall be maintained by the Business Committee Support Office. Copies of the oath shall be  
259 forwarded to the new member of the entity and the entity.

260 105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is  
261 pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws  
262 and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation  
263 Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida  
264 people with honor, respect, dignity, and sincerity and will strictly maintain confidential  
265 information. I will carry out the duties and responsibilities as a member of the [entity name], and  
266 all recommendations shall be made in the best interest of the Oneida Nation as a whole.

267 105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity  
268 aware of their duty to the Nation and as members of the entity.

269

### 270 **105.10. Bylaws**

271 105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this  
272 law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless  
273 where General Tribal Council approval is additionally required.

274 (a) All existing entities must comply with this format and present bylaws for adoption  
275 within a reasonable time after creation of the entity, or within a reasonable time after  
276 adoption of this law.

277 (b) Bylaws must contain at least the minimum information required by law, although  
278 more information is not prohibited.

279 (c) *Exception.* Task Forces and Ad Hoc Committees are excepted from the requirement  
280 to have bylaws. However, these entities must have, at minimum, mission or goal  
281 statements for completion of the task.

282 105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:

283 (a) Article I. Authority.

284 (b) Article II. Officers.

285 (c) Article III. Meetings.

286 (d) Article IV. Expectations.

287 (e) Article V. Stipends and Compensation.

288 (f) Article VI. Records and Reporting.

289 (g) Article VII. Amendments.

290 105.10-3. *Sections.* Articles shall be divided into "sections" as set out.

291 (a) "Article I. Authority" shall consist of the following:

292 (1) *Name.* The full name of the entity shall be stated, along with any short name  
293 that will be officially used.

294 (2) *Establishment.* This section shall state the citation and name, if any, of the  
295 creation document.

296 (3) *Authority.* This section shall state the purpose for which the entity was  
297 created and what, if any, authority the entity is delegated.

298 (4) *Office.* There shall be listed the official office or post box of the entity.

299 (5) *Membership.* The following information shall be in this section:

300 (A) Number of members on the entity;

301 (B) If members on the entity are elected or appointed, and how a member

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- 302 is elected or appointed;
- 303 (C) How vacancies are filled; and
- 304 (D) Qualifications for membership on the entity.
- 305 (6) *Termination or Removal*. This section shall identify causes for termination or
- 306 removal, if any, in addition to those already identified in laws and/or policies of
- 307 the Nation.
- 308 (7) *Trainings and Conferences*. This section shall describe any trainings and/or
- 309 conferences that the entity deems necessary for members to responsibly serve the
- 310 entity, if any.
- 311 (b) "Article II. Officers" shall consist of the following:
- 312 (1) *Chairperson and Vice-Chairperson*. This section creates the chairperson and
- 313 vice-chairperson positions of the entity. Other officer positions may also be
- 314 created here.
- 315 (2) *Responsibilities of the Chairperson*. Because of the importance of this
- 316 position, all duties and responsibilities of the chairperson, as well as limitations of
- 317 the chairperson shall be specifically listed here.
- 318 (3) *Responsibilities of the Vice-Chairperson*. Because of the importance of this
- 319 position, all duties and responsibilities of the vice-chairperson, as well as
- 320 limitations of the vice-chairperson shall be specifically listed here.
- 321 (4) *Responsibilities of Additional Officers*. There may be additional sections as
- 322 needed for every officer position created in subsection one (1) above. These
- 323 sections shall state all duties and responsibilities of the officer, as well as any
- 324 limitations of the officer.
- 325 (5) *Selection of Officers*. This section shall identify how a member of the entity
- 326 shall be selected for an official officer position in the entity.
- 327 (6) *Budgetary and Travel Sign-Off Authority*. This section shall identify the
- 328 entity's varying levels of budgetary sign-off authority, the members that are
- 329 authorized to sign-off at each level, and which members have the authority to
- 330 sign-off on travel on behalf of the entity.
- 331 (A) The Nation's Purchasing Department shall confirm each position
- 332 within the entity that has been designated as having sign-off authority.
- 333 (7) *Personnel*. This section shall state the entity's authority for hiring personnel,
- 334 if any, and the duties of such personnel.
- 335 (c) "Article III. Meetings" shall consist of the following:
- 336 (1) *Regular meetings*. This section shall identify when and where regular
- 337 meetings shall be held, and how the entity shall provide notice of the meeting
- 338 agenda, documents, and minutes.
- 339 (2) *Emergency meetings*. This section shall identify what constitutes an
- 340 emergency meeting, how emergency meetings shall be called, and how the entity
- 341 shall provide notice of the emergency meeting.
- 342 (A) All bylaws shall include a provision requiring that within seventy-two
- 343 (72) hours after an emergency meeting, the entity shall provide the
- 344 Nation's Secretary with notice of the meeting, the reason for the
- 345 emergency meeting, and an explanation of why the matter could not wait
- 346 for a regular or special meeting.

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- 347 (3) *Special meetings*. This section shall identify what constitutes a special  
348 meeting, how special meetings shall be called and how the entity shall provide  
349 notice of the special meeting.
- 350 (A) All bylaws shall include a provision requiring that within seventy-two  
351 (72) hours after a special meeting, the entity shall provide the Nation's  
352 Secretary with notice of the meeting, the reason for the special meeting,  
353 and an explanation of why the matter could not wait for a regular meeting.
- 354 (4) *Quorum*. This section shall identify how many members of an entity create a  
355 quorum.
- 356 (5) *Order of Business*. This section sets out how the agenda will be set up.
- 357 (6) *Voting*. This section shall identify voting requirements, such as, but not  
358 limited to:
- 359 (A) the percentages that shall be needed to pass different items;  
360 (B) if, and when, the chairperson is allowed to vote; and  
361 (C) an electronic polling process.
- 362 (d) "Article IV. Expectations" shall consist of the following information:
- 363 (1) *Behavior of Members*. This section shall identify the behavioral expectations  
364 and requirements of a member of the entity, and identify how the entity shall  
365 enforce these behavioral expectations.
- 366 (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act  
367 committed by a member of the entity that inflicts, attempts to inflict, or threatens  
368 to inflict emotional or bodily harm on another person, or damage to property, and  
369 set forth any further expectations regarding the prohibition of violence.
- 370 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and  
371 prohibited drugs for a member of an entity when acting in their official capacity,  
372 and set forth any further expectations regarding the use of prohibited drugs and  
373 alcohol.
- 374 (4) *Social Media*. This section shall identify expectations for the use of social  
375 media in regards to official business of the entity.
- 376 (5) *Conflict of Interest*. This section shall state any standards and expectations  
377 additional to those required by law of the Nation in regards to conflicts of interest  
378 and how they are handled, as well as requirements related to prohibited activities  
379 resulting from disclosed conflicts of interest, and means by which a party can  
380 alleviate or mitigate the conflict of interest.
- 381 (e) "Article V. Stipends and Compensation" shall consist of the following information:
- 382 (1) *Stipends*. This section shall include a comprehensive list of all stipends  
383 members are eligible to receive and the requirements for collecting each stipend,  
384 if any in addition to those contained in this law.
- 385 (2) *Compensation*. This section shall include details regarding all other forms of  
386 compensation members are eligible to receive and the requirements for collecting  
387 such compensation, if any in addition to those contained in this law.
- 388 (f) "Article VI. Records and Reporting" shall consist of the following information:
- 389 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as  
390 identified by this section.
- 391 (2) *Minutes*. Minutes shall be typed and in a consistent format designed to

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392 generate the most informative record of the meetings of the entity. This may  
393 include a summary of action taken by the entity. This section shall identify the  
394 format for minutes, and a reasonable timeframe by which minutes shall be  
395 submitted to the Business Committee Support Office.

396 (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to  
397 the minutes and agenda, or may be kept separately, provided that all materials can  
398 be identified to the meeting in which they were presented. This section shall  
399 identify how records of attachments shall be kept.

400 (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate  
401 with the Oneida Business Committee member who is their designated liaison.  
402 This section shall identify a format and frequency for communication which may  
403 be as the liaison and entity agree to, but not less than that required in any law or  
404 policy on reporting developed by the Oneida Business Committee or Oneida  
405 General Tribal Council. The purpose of the liaison relationship is to uphold the  
406 ability of the liaison to act as a support to that entity.

407 (5) *Audio Recordings*. This section shall state whether or not the entity is  
408 required to audio record meetings, and maintain the audio records.

409 (g) "Article VII. Amendments" consists of:

410 (1) *Amendments to Bylaws*. This section shall describe how amendments to the  
411 bylaws are made. Any amendments to bylaws shall conform to the requirements  
412 of this and any other policy of the Nation. Amendments to bylaws shall be  
413 approved by the Oneida Business Committee, in addition to the General Tribal  
414 Council when applicable, prior to implementation.

415

#### 416 **105.11. Reporting Requirements**

417 105.11-1. *Minutes*. All minutes shall be submitted to the Business Committee Support Office  
418 within a reasonable time after approval by the entity, as identified in the entity's bylaws.

419 (a) Actions taken by an entity are valid upon approval of the action by vote, unless the  
420 bylaws of the entity otherwise require minutes to be approved by the entity before the  
421 actions are valid.

422 (b) Minutes shall be filed according to this section, and any specific directions within  
423 approved bylaws.

424 (c) No action or approval of minutes is required by the Oneida Business Committee on  
425 minutes submitted by an entity unless specifically required by the bylaws of that entity.

426 105.11-2. *Standard Operating Procedures*. All standard operating procedures established by an  
427 entity shall be submitted to the Business Committee Support Office, where they shall be kept on  
428 file.

429 105.11-3. *Quarterly Reports to the Oneida Business Committee*. Entities shall provide quarterly  
430 reports to the Oneida Business Committee in accordance with the quarterly reporting schedule  
431 approved by the Oneida Business Committee. All quarterly reports shall be approved by official  
432 entity action before they are submitted. The quarterly reports shall not contain any information  
433 that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the  
434 entity shall attend the Oneida Business Committee meeting where the quarterly report is an  
435 agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business  
436 Committee and contain the following information:

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437 (a) *Contact Information.* The name of the entity, the member submitting the report, the  
438 Oneida Business Committee liaison; and a list of the members and their titles, term  
439 expiration dates and contact information.

440 (b) *Meetings.* When and how often the entity is holding meetings and whether any  
441 emergency and/or special meetings have been held.

442 (1) If emergency meetings were held, the report shall indicate the basis of the  
443 emergency for each meeting.

444 (2) If special meetings were held, the report shall indicate the topic of each  
445 meeting.

446 (c) *Accomplishments.* Details of what the entity has accomplished that quarter, including  
447 any special events held during the reporting period and any travel by the members and/or  
448 staff.

449 (d) *Goals.* Details of both the entity's long term goals, the entity's goals for the next  
450 quarter, and projected quarterly activities.

451 (e) *Budget.* The amount of the entity's budget, the status of the budget at that quarter,  
452 the amount of each stipend a member may be eligible to receive, how the budget is being  
453 utilized by the entity, and projected budgetary uses for the next quarter.(f) *Requests.*  
454 Details of any requests to the Oneida Business Committee.

455 (f) *Other.* And any other information deemed appropriate by the entity, as well as any  
456 other information required by a law or policy of the Nation.

457 105.11-4. *Annual and Semi-Annual Reports to the General Tribal Council.* Entities shall  
458 provide annual reports to the Oneida General Tribal Council based on their activities during the  
459 previous fiscal year, and semi-annual reports based on their activities during the current fiscal  
460 year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business  
461 Committee.

462 (a) Annual and semi-annual reports shall contain information on the number of  
463 substantiated complaints against all members of the entity.

464 (b) Each entity with oversight of a department shall also submit annual and semi-annual  
465 reports for each department the entity oversees.

466 105.11-5. Any failure to comply with the reporting requirements may result in the Oneida  
467 Business Committee placing a hold on the release of a stipend payment.

468

## 469 **105.12. Stipends, Reimbursement and Compensation**

470 105.12-1. The Nation recognizes that an individual serving on an entity of the Nation, whether  
471 elected or appointed, incurs some expense as a result of his or her position on the entity.  
472 Therefore, the Nation, in order to attract individuals to serve on entities, shall pay stipends to  
473 these members in accordance with this section.

474 105.12-2. Compensation and reimbursement for expenses shall follow the procedures as set out  
475 in this section and according to procedures for payment as set out by the Nation, unless  
476 otherwise declined by the entity through its bylaws, or declined by a member.

477 105.12-3. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida  
478 Business Committee shall periodically review the amounts provided for stipends and, based on  
479 the availability of funds, shall adjust those amounts accordingly by amending the resolution.

480 105.12-4. *Meeting Stipends.* A member of an entity, whether elected or appointed, shall only  
481 receive a meeting stipend for a meeting where a quorum has been established in accordance with



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482 the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member  
483 collecting the stipend is physically present for the entire meeting.

484 (a) *Meeting Stipends for Appointed Members.* Appointed members serving on entities  
485 shall be paid no more than one (1) meeting stipend per month when at least one (1)  
486 meeting is conducted

487 (b) *Meeting Stipends for Elected Members.* Elected members serving on entities shall be  
488 paid a stipend for each meeting held in accordance with this law.

489 105.12-5. *Oneida Judiciary Hearings.* Any member of an entity may receive a hearing stipend if  
490 the member's attendance at the hearing is required by official subpoena. Only one (1) member of  
491 an entity may receive a hearing stipend if the member's attendance at a hearing before the  
492 Oneida Judiciary directly involving the entity is at the discretion of the entity.

493 105.12-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may  
494 obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of  
495 all functions related to the resolution of the matter notwithstanding the amount of time it takes to  
496 resolve the matter, including, but not limited to, any continuations of the hearing and decision  
497 drafting.

498 105.12-7. *Oneida Business Committee Meetings.* Up to two (2) members of an entity that attend  
499 the Oneida Business Committee meeting where the quarterly report of the entity is an agenda  
500 item, and present the quarterly report are eligible to receive a stipend.

501 105.12-8. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any  
502 other stipends are appropriate to compensate members of entities for their official actions. All  
503 possible stipends shall be included in the Oneida Business Committee resolution which sets  
504 stipend amounts.

505 105.12-9. *Conferences and Training.* A member of any entity, elected or appointed, shall be  
506 reimbursed in accordance with the Nation's policy for travel and per diem, for attending a  
507 conference or training. Provided that:

508 (a) A member shall be eligible for a stipend for each full day the member is present at the  
509 conference or training, when attendance at the conference or training is required by law,  
510 bylaw or resolution.

511 (b) A member shall not be eligible for a conference and training stipend if that training is  
512 not required by law, bylaw or resolution.

513 (c) No stipend payments shall be made for those days spent traveling to and from the  
514 conference or training.

515 105.12-10. *Business Expenses.* All members of entities shall be eligible for reimbursement for  
516 normal business expenses naturally related to membership in the entity.

517 105.12-11. *Task Force and Ad Hoc Subcommittees.* Members of task force, ad hoc committees  
518 and subcommittees shall not be eligible for stipends unless specific exception is made by the  
519 Oneida Business Committee or the Oneida General Tribal Council.

520

### 521 **105.13. Confidential Information**

522 105.13-1. All members of an entity shall maintain in a confidential manner all information  
523 obtained through their position on the entity. The Nation requires that all members of an entity  
524 who have access to the Nation's confidential information be subject to specific limitations in  
525 order to protect the interest of the Nation and ensure that no persons engaged in by the Nation,  
526 nor their relatives or associates, benefit from the use of confidential information.

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527 (a) Confidential information shall be considered and kept as the private and privileged  
528 records of the Nation and will not be divulged to any person, firm, corporation, or other  
529 entity except by direct written authorization of the Oneida Business Committee.

530 (b) A member of an entity will continue to treat as private and privileged any  
531 confidential information, and will not release any such information to any person, firm,  
532 corporation, or other entity, either by statement, deposition, or as a witness, except upon  
533 direct written authority of Oneida Business Committee, and the Nation shall be entitled to  
534 an injunction by any competent court to enjoin and restrain the unauthorized disclosure of  
535 such information. Such restriction continues after termination of the relationship with the  
536 Nation and the entity.

537 (c) Upon completion or termination of his or her elected or appointed term of  
538 membership in an entity, for any cause whatsoever, the member of the entity will  
539 surrender to the Nation, in good condition, all records kept by the member of the entity.

540 (d) No member of an entity shall disclose confidential information acquired by reason of  
541 his other relationship or status with the Nation for his or her personal advantage, gain, or  
542 profit, or for the advantage, gain, or profit of a relative or associate.

543 105.13-2. *Official Oneida Nation E-mail Address.* Each member of an entity shall be provided  
544 an official Oneida e-mail address upon election or appointment for the purpose of conducting  
545 business of the entity electronically.

546 (a) If a member is also an employee of the Nation, he or she shall receive a separate e-  
547 mail address from his or her regular work e-mail address.

548 (b) A member of an entity shall sign an acknowledgment form provided by the Nation's  
549 Secretary indicating notice of the Nation's applicable computer and media related laws,  
550 policies and rules. The Nation's Secretary shall maintain a record of all such  
551 acknowledgment forms.

552 (c) A member of an entity shall not use any personal or work e-mail address to  
553 electronically conduct any business of the entity.

554 (d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall  
555 instruct the Management Information Systems department to disable the e-mail address  
556 for the member having vacated the position.  
557

#### 558 **105.14. Conflicts of Interest**

559 105.14-1. All members of an entity are required to adhere to the Nation's laws and policies  
560 governing conflicts of interest.

561 105.14-2. A member of an entity shall disclose a conflict of interest as soon as the conflict arises  
562 and keep an updated conflict of interest disclosure form with the Nation's Secretary.

563 105.14-3. Due to the potential for a real or perceived conflict of interest to exist, political  
564 appointees and legislative assistants shall not serve on an appointed or elected entity.  
565

#### 566 **105.15. Use of the Nation's Assets**

567 105.15-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the  
568 Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with  
569 Generally Accepted Accounting Principles.

570 105.15-2. Each member of an entity shall comply with the system of internal accounting  
571 controls sufficient to provide assurances that:

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- 572 (a) all transactions are executed in accordance with management's authorization; and  
573 (b) access to assets is permitted only in accordance with management's authorization;  
574 and  
575 (c) all transactions are recorded to permit preparation of financial statements in  
576 conformity with Generally Accepted Accounting Principles or other applicable criteria.  
577 105.15-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall  
578 be immediately reported to the Internal Audit department. If the Internal Audit department finds  
579 evidence of noncompliance they shall notify the Oneida Law Office, who will then make a  
580 determination of further action to be taken, if any.  
581

### 582 **105.16. Dissolution of an Entity**

583 105.16-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee  
584 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the  
585 materials generated by a task force or ad hoc committee shall be forwarded to the Business  
586 Committee Support Office for proper disposal within two (2) weeks of the dissolution.

587 105.16-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by  
588 motion of the Oneida General Tribal Council or the Oneida Business Committee. The General  
589 Tribal Council shall have the authority to dissolve an entity created by the General Tribal  
590 Council or the Oneida Business Committee, and the Oneida Business Committee shall have the  
591 authority to dissolve an entity created by the Oneida Business Committee. Within five (5)  
592 business days of the Oneida General Tribal Council or the Oneida Business Committee taking  
593 official action to dissolve an entity, the Oneida Business Committee shall provide the entity  
594 written notice of the dissolution.

595 105.16-3. *Management of Records and Materials.* All chairpersons and secretaries of dissolved  
596 entities shall be responsible for closing out open business of the entity and forwarding all  
597 materials and records to the Business Committee Support Office for proper storage and disposal  
598 within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The  
599 Business Committee Support Office may utilize the assistance of the Records Management  
600 Department and/or any other appropriate department for the storage and disposal of the records  
601 and materials.

- 602 (a) The entity may request the Oneida Business Committee to grant a one (1) week  
603 extension of the time allowed to close out open business of the entity and forward all  
604 materials and records to the Business Committee Support Office.  
605

### 606 **105.17. Enforcement**

607 105.17-1. Any member of an entity found to be in violation of this law may be subject to:

- 608 (a) sanctions and penalties in accordance with any laws or policies of the Nation  
609 governing sanctions and/or penalties;  
610 (b) removal pursuant to any laws or policies of the Nation's governing removal, if a  
611 member of an elected entity; or  
612 (c) termination of appointment by the Oneida Business Committee, if a member of an  
613 appointed entity.

614 105.17-2. Candidates for appointment or election to a position on an entity found in violation of  
615 this law may be disqualified from taking office.  
616

617 *End.*

~~618~~  
620

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621 Adopted - BC-08-02-95-A

622 Amended - BC-05-14-97-F

623 Emergency Amendments - BC-04-12-06-JJ

624 Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

625 Amended – BC-09-22-10-C

626 Amended – BC-

627

628



## Legislative Operating Committee April 2, 2018

# Sanctions and Penalties Law

<b>Submission Date:</b> 9/6/17	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Jennifer Webster	<b>Emergency Enacted:</b> n/a

**Summary:** *This item was carried over from the previous term. The original proposal was to develop a consistent process that would provide for members of the Oneida Business Committee and other Boards, Committees and Commissions to face sanctions for misconduct. Currently, the only penalty that OBC members may be subject to, is removal from office – meaning that less serious misconduct would either go unpunished or would result in a penalty that might be considered too extreme for a particular violation.*

**9/6/17 LOC:** Motion by Ernest Stevens III to add Sanctions and Penalties Law to the active files list with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

**9/6/17:** *Work Meeting.* Present: David P. Jordan, Jenny Webster Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner. Drafting attorney provided an update on the status of the Sanctions and Penalties law. Next steps will be: 1) pull the current draft back, 2) hold community meetings to understand what sanctions/penalties the community is interested in, 3) meeting with the boards/committees/commissions for input, and 4) holding work meeting with LOC to make policy decisions and choose next steps.

**11/1/17:** Motion by Kirby Metoxen approve the 60 day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

*Work Meeting.* Present: Carol Silva, Bonnie Pigman, Ed Delgado, Rachel Hill, Matthew Denny, Reynold Danforth, Kirby Metoxen, Rosa Laster, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Jennifer Falck. Representatives from all the B/C/C's were invited to this meeting to provide input on what a Sanctions & Penalties Law might look like.

**12/6/17:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa Santiago, Jennifer Falck. The LOC reviewed and considered comments from the November 1, 2017, work meeting with boards, committees, and commissions. LOC began making policy decisions. Drafter will work on draft, and policy options, and bring materials back to LOC when ready.

**3/9/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Laura Laitinen-Warren. LOC reviewed the first draft of the law, and directed that the LRO schedule a community meeting, with a special invitation to members of boards, committees, and commissions, to discuss the proposed law.

**3/16/18:** *Work Meeting:* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. The LOC reviewed the potential date for the community meeting, and directed the drafting attorney to schedule the community meeting for May 3, 2018, and to ensure the notice is published in the

Kalihwisaks twice, an appointment is sent to all members of the LOC and boards, committees, and commissions, and that the Communications Department is included in the appointment so they can make efforts to communicate notice of the event.

**Next Steps:**

- Accept the draft of the Sanctions and Penalties law and direct that a community meeting/potluck be held on May 3, 2018.

## Community Meeting- Pot Luck

The Legislative Operating Committee is holding a community meeting to collect thoughts and discuss options for the proposed Sanctions and Penalties Law.

The proposed Sanctions and Penalties law will establish a consistent set of sanction and penalties for misconduct by elected and appointed officials, including members of the Oneida Business Committee.

To obtain a copy of the draft of the proposed Sanction and Penalties law please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings) or contact the Legislative Reference Office.

**\*Please bring a dish to pass and utensils for yourself\***

**Topic: Proposed Sanctions and Penalties  
Law**

**Date: May 3, 2018**

**Time: 5:00pm—7:30 pm**

**Location: Norbert Hill Center Cafeteria**

**Title 1. Government and Finances - Chapter 120**  
**SANCTIONS AND PENALTIES**

120.1. Purpose and Policy	120.6. Complaint Alleged Against an Appointed Official
120.2. Adoption, Amendment, Repeal	120.7. Complaint Alleged Against an Elected Official
120.3. Definitions	120.8. Sanctions and Penalties
120.4. Misconduct.	120.9. Effect of Resignation by an Official
120.5. Filing of a Complaint	120.10. Record of Conduct in Office

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**120.1. Purpose and Policy**

120.1-1. *Purpose.* The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation, including members of the Oneida Business Committee, for misconduct in office; and to establish an orderly and fair process for imposing such sanctions and penalties.

120.1-2. *Policy.* It is the policy of the Nation to ensure that elected and appointed officials who commit misconduct while in office be subject to appropriate sanctions and penalties; and to ensure that there is a fair process in place that enables officials to fairly respond to allegations of misconduct.

**120.2. Adoption, Amendment, Repeal**

120.2-1. This law was adopted by the General Tribal Council by resolution \_\_\_\_\_.

120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

120.2-3. 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.

120.2-4. 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.

120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**120.3. Definitions**

120.3-1. 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) “Affirmative defense” means a fact or set of facts other than those alleged by the complainant which, if proven by the official, defeats or mitigates the consequences of the official's otherwise unlawful conduct.

(b) “Answer” means a formal written statement addressing the dispute on the merits and presents any defenses and counterclaims.

(c) “Business Committee Support Office” means the office that provides administrative support for the Oneida Business Committee and various other governmental operations.

(d) “Business day” means Monday through Friday 8:00 a.m. – 4:30 p.m., excluding holidays recognized by the Nation.

(e) “Complainant” means an individual who has made a complaint.

(f) “Constitution” means the Constitution and By-Laws of the Oneida Nation.

(g) “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.



38 (h) “Entity” means a board, committee or commission of the Nation, including the  
39 Oneida Business Committee.

40 (i) “Misconduct” means wrongful, improper or unlawful conduct or behavior.

41 (j) “Nation” means the Oneida Nation.

42 (k) “Official” means any person who is elected or appointed to serve on a board,  
43 committee or commission of the Nation, including the Oneida Business Committee.

44 (l) “Preponderance of the evidence” means it is more likely than not that the facts  
45 presented are true.

46 (m) “Stipend” means the amount paid by the Oneida Nation to individuals serving on  
47 boards, committees and commissions of the Nation to offset the expenses of being a  
48 member on the board, committee or commission.

49 (n) “Substantiate” means to find that the complaint or allegation in the complaint is valid  
50 because there is proof by a preponderance of the evidence.

51 (o) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

#### 52 53 **120.4. Misconduct**

54 120.4-1. It shall be the obligation of every official to behave in a manner that promotes the  
55 highest ethical and moral standard. The high moral and ethical standards amongst officials of the  
56 Nation is essential to the conduct of government.

57 120.4-2. An official may be subject to sanctions and penalties for behaving in a manner which  
58 constitutes misconduct. Misconduct includes:

59 (a) a violation of the Constitution or any of the Nation’s laws, policies, or rules;

60 (b) a violation of the bylaws, standard operating procedures or other internal operating  
61 documents that govern the entity upon which the official serves;

62 (c) the failure to exhibit and uphold the Nation’s core values of The Good Mind as  
63 expressed by On<yote>a=ka, which includes:

64 (1) Kahletsyal&sla. The heart felt encouragement of the best in each of us.

65 (2) Kanolukhw@sla. Compassion, caring, identity, and joy of being.

66 (3) Ka>nikuhli=y%. The openness of the good spirit and mind.

67 (4) Ka>tshatst^sla. The strength of belief and vision as a People.

68 (5) Kalihwi=y%. The use of the good words about ourselves, our Nation, and our  
69 future.

70 (6) Twahwahts\$lay<. All of us are family.

71 (7) Yukwats\$stay<. Our fire, our spirit within each one of us.

72 (d) a conviction of a felony, or any crime in any jurisdiction that would be classified as a  
73 felony under federal law or Wisconsin law; and

74 (e) any other activity that is incompatible with the high moral and ethical standards that  
75 are expected of the Nation’s officials.

#### 76 77 **120.5. Filing of a Complaint**

78 120.5-1. *Who May File.* Any individual at least eighteen (18) years of age or older, or entity,  
79 who in good faith, has knowledge or reason to believe that an official has committed misconduct,  
80 may file a written complaint.

81 120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has occurred  
82 within the previous one (1) year.

83 120.5-3. *Contents of the Complaint.* The complaint alleging misconduct by an official shall  
84 include the following information:

- 85 (a) The name(s) of the official alleged to have committed the misconduct;  
86 (b) The entity or entities upon which the official serves;  
87 (c) The specific date(s), time(s), and location(s) of the alleged misconduct;  
88 (d) The specific details of the official's misconduct;  
89 (e) The specific provision of law, policy, rule, or bylaw of the Nation allegedly violated  
90 by the official;  
91 (f) Names of any witnesses of the alleged misconduct, or individuals who may have  
92 knowledge pertinent to the alleged misconduct;  
93 (g) The contact information for the person filing the complaint, which at minimum shall  
94 include the person's name, address, and telephone number;  
95 (h) A notarized sworn statement attesting that the information provided in and with the  
96 complaint is true, accurate, and complete to the best of the complainant's knowledge;  
97 (i) Any supporting documentation; and  
98 (j) Any other information required by the Nation's Rules of Civil Procedure if the  
99 complaint is alleging misconduct of an elected official.

100 120.5-4. *Where to File.*

- 101 (a) *Appointed Official.* Complaints against an appointed official shall be filed with the  
102 Business Committee Support Office.  
103 (b) *Elected Official.* Complaints against an elected official shall be filed with the  
104 Nation's Trial Court.

105 120.5-5. *Retaliation Prohibited.* Retaliation against any individual who makes a complaint or  
106 party or witness to a complaint is prohibited. This protection shall also be afforded to any person  
107 offering testimony or evidence or complying with directives authorized under this law.  
108 Retaliation shall include any form of adverse or punitive action by or caused by, any official.

109 120.5-6. Any official who is the subject of a complaint has the right to be represented by an  
110 attorney or advocate, at his or her own expense, for any actions or proceedings related to the  
111 complaint.

112  
113 **120.6. Complaints Alleged Against an Appointed Official**

114 120.6-1. *Receipt of Complaint.* Upon receiving a complaint, the Business Committee Support  
115 Office shall:

- 116 (a) immediately forward copies of the complaint, including any supporting  
117 documentation, to:  
118 (1) all members of the Oneida Business Committee for review; and  
119 (2) the individual who is the subject of the complaint.  
120 (b) place the complaint on the executive session portion of the agenda of a regular or  
121 special meeting of the Oneida Business Committee for an initial review within thirty (30)  
122 days after receipt of complaint.

123 120.6-2. *Answer to the Complaint.* The individual who is the subject of the complaint shall have  
124 ten (10) business days after receiving his or her copy of the complaint, to submit to the Business  
125 Committee Support Office a written answer setting forth any admission, denial, affirmative  
126 defense, or other relevant information upon which the official intends to rely during proceedings  
127 related to the complaint.

- 128 (a) The Business Committee Support Office shall immediately forward the answer and  
129 any supporting documentation to all members of the Oneida Business Committee upon  
130 receipt from the individual who is the subject of the complaint.

131 120.6-3. *Conflict of Interest.* An Oneida Business Committee member that has a conflict of  
132 interest in a complaint brought before the Oneida Business Committee, shall immediately recuse  
133 themselves and shall not participate in the initial review or the investigatory hearing.

134 (a) Failure of an Oneida Business Committee member to recuse themselves due to a  
135 conflict of interest shall constitute grounds for sanctions and/or penalties.

136 120.6-4. *Initial Review.* The Oneida Business Committee shall perform an initial review of an  
137 allegation of misconduct on the part of an official. The purpose of the initial review shall be to  
138 determine whether the allegation made within the complaint has merit.

139 (a) During the initial review the Oneida Business Committee shall review the complaint  
140 and the written answer; as well as any supporting documentation.

141 (b) In order to determine if a complaint has merit, the Oneida Business Committee will  
142 discuss if whether assuming the facts alleged are true, said facts would support a  
143 determination of misconduct.

144 (c) The Oneida Business Committee shall determine, by majority vote, whether the  
145 complaint has merit.

146 (1) Upon a finding that the complaint has merit, the Oneida Business Committee  
147 shall schedule an investigatory hearing to consider the specific allegations  
148 identified in the complaint.

149 (2) Upon finding that a complaint has no merit, the Oneida Business Committee  
150 shall dismiss the complaint.

151 (A) If the Oneida Business Committee dismisses the complaint based on a  
152 determination that the complaint was frivolous, false, or made with a  
153 malicious intent, the complainant may be subject to:

154 (i) a fine not to exceed \_\_\_\_\_ dollars (\$??);

155 (ii) prohibition from filing another complaint for \_\_\_\_\_(period  
156 of time); and/or

157 (iii) a civil suit in the Nation's Trial Court brought by the official  
158 accused by the frivolous, false or malicious allegation.

159 120.6-5. *Investigatory Hearing.* The investigatory hearing shall occur within thirty (30) days  
160 after the initial review has concluded. The investigatory hearing shall take place during the  
161 executive session portion of the agenda of a regular or special meeting of the Oneida Business  
162 Committee. The purpose of the investigatory hearing is for the Oneida Business Committee to  
163 determine if there is enough evidence to substantiate the allegations of misconduct by a  
164 preponderance of the evidence.

165 (a) When conducting an investigatory hearing, the Oneida Business Committee shall  
166 have the broadest grant of authority to compel any person or organization within the  
167 Nation to:

168 (1) appear at the hearing to provide testimony under oath and/or information  
169 relevant to the allegations against the official; and/or

170 (2) produce physical evidence that is relevant to the allegations.

171 (b) The Oneida Business Committee shall provide an opportunity for the official who is  
172 the subject of the complaint to answer all allegations and to provide witness testimony,  
173 documents, and other evidence on his or her own behalf.

174 (c) The Oneida Business Committee shall also provide the complainant the opportunity  
175 to answer questions, provide witness testimony or additional information, and/or to  
176 otherwise speak on his or her own behalf.

177 (d) The hearing shall be informal and conducted as the interests of justice so require, and  
178 shall be recorded by the Business Committee Support Office.

179 120.6-6. *Deliberation of the Oneida Business Committee.* At the conclusion of the investigatory  
180 hearing, the Oneida Business Committee shall excuse everyone from executive session for the  
181 deliberation of the Oneida Business Committee. Prior to making a final determination as to  
182 whether to substantiate the complaint, the Oneida Business Committee shall:

183 (1) consider all evidence and information provided, and shall have a full and complete  
184 discussion of all aspects of the complaint and answer; and

185 (2) have a full and complete discussion of all potential sanctions and penalties that may  
186 be imposed, if appropriate.

187 120.6-7. *Determination by the Oneida Business Committee.* After the investigatory hearing has  
188 concluded and the Oneida Business Committee has deliberated, the Oneida Business Committee  
189 shall in open session of a regular or special Oneida Business Committee meeting, by majority  
190 vote, declare whether the Oneida Business Committee has determined there is enough evidence  
191 to substantiate the allegations of misconduct by a preponderance of the evidence.

192 (a) If the Oneida Business Committee finds that there is preponderance of the evidence  
193 that the official engaged in misconduct, the Oneida Business Committee shall, by  
194 majority vote, determine and impose appropriate sanctions and/or penalties.

195 (b) If the Oneida Business Committee does not find that there is preponderance of the  
196 evidence to support the allegations that the official engaged in misconduct, the complaint  
197 shall be dismissed.

198 (c) Within ten (10) business days after the investigatory hearing, the Oneida Business  
199 Committee shall issue a written decision and provide copies of the decision to:

200 (1) the complainant,

201 (2) the official who is the subject of the complaint, and

202 (3) the Business Committee Support Office, for recordkeeping.

203 120.6-8. *Appeal.* The complainant and the official who is the subject of the complaint shall both  
204 have the right to appeal the Oneida Business Committee's decision to the Court of Appeals  
205 within twenty (20) days after the written decision is issued. The appeal shall be limited to review  
206 of the record, and the Oneida Business Committee's decision may only be overturned if the  
207 Court of Appeals determines that:

208 (a) The findings or penalties imposed were clearly erroneous, unsupported by the record,  
209 or made on unreasonable grounds or without any proper consideration of circumstances;  
210 or

211 (b) Procedural irregularities occurred which prevented a fair and impartial hearing.  
212

### 213 **120.7. Complaints Alleged Against an Elected Official**

214 120.7-1. The Trial Court shall have jurisdiction to hear complaints of alleged misconduct of  
215 elected officials. Complaints of alleged misconduct shall be filed with the Trial Court pursuant to  
216 the Nation's Rules of Civil Procedure.

217 120.7-2. In a civil action against an elected official for misconduct, the complainant has the  
218 burden of proving by a preponderance of the evidence that the official engaged in misconduct.

219 120.7-3. In making a final determination, the Trial Court shall determine if there is enough  
220 evidence to substantiate the allegations of misconduct by the official by a preponderance of the  
221 evidence.

222 (a) If the Trial Court finds that there is a preponderance of the evidence that the official  
223 engaged in misconduct, the Trial Court shall determine and impose any sanctions and/or  
224 penalties deemed appropriate in accordance with this law.

225 (b) If the Trial Court does not find that there is a preponderance of the evidence to  
226 support the allegations that the official engaged in misconduct, the complaint shall be  
227 dismissed.

228 120.7-4. *Appeal*. The complainant and the official who is the subject of the complaint shall both  
229 have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the  
230 Nation's Rules of Appellate Procedure.

231 120.7-5. The Trial Court shall provide the Business Committee Support Office a copy of the  
232 complaint and the determination of the Trial Court for the official's record of conduct in office.  
233

### 234 **120.8. Sanctions and Penalties**

235 120.8-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be  
236 imposed upon the Nation's officials for misconduct in office, in accordance with this law.

237 120.8-2. Sanctions and penalties may include:

238 (a) *Verbal Reprimand*. A verbal reprimand may be imposed on the official.

239 (1) The Oneida Business Committee or Trial Court shall submit written notices to  
240 both the official and to the Business Committee Support Office of the specific  
241 date, time and location of the verbal reprimand. The verbal reprimand shall occur  
242 at an Oneida Business Committee meeting and/or a General Tribal Council  
243 meeting.

244 (2) To impose the verbal reprimand, the Oneida Business Committee Chairperson  
245 shall read a statement that identifies:

246 (A) The Oneida Business Committee or Trial Court's findings regarding  
247 the specific actions or inaction taken by the official that were found to be  
248 misconduct;

249 (B) The reasons why the official's actions or inactions amounted to  
250 misconduct;

251 (C) A statement identifying that the misconduct violates the high standards  
252 of behavior expected of the Nation's officials and is not acceptable; and

253 (D) A direction to the official to refrain from engaging in future  
254 misconduct.

255 (b) *Public Apology*. The official may be ordered to make a public apology. The Oneida  
256 Business Committee or Trial Court shall submit written notices to both the official and to  
257 the Business Committee Support Office of the specific date, time and location of the  
258 public apology. The public apology shall occur at an Oneida Business Committee  
259 meeting and/or a General Tribal Council meeting. The public apology shall:

260 (1) identify the specific misconduct committed by the official;

261 (2) recognize that the official's actions or actions were wrong;

262 (3) identify the effects of the official's misconduct; and

263 (4) include a clear and unambiguous apology from the official.

264 (c) *Written Reprimand*. A written reprimand may be imposed on the official by  
265 publication on the Nation's official media outlets, as determined by the Oneida Business  
266 Committee. The Oneida Business Committee or the Trial Court may publish a written  
267 reprimand which includes the information required for the verbal reprimand as stated in  
268 section 120.8-2(a)(2)(A)-(D).

269 (d) *Suspension*. An official may be suspended from performing his or her duties as an  
270 official for one (1) consecutive period of time, not to exceed sixty (60) days.

271 (1) During a suspension, the official shall not:

272 (A) attend meetings, trainings or any other event as part of the entity;

273 (B) attend conferences or other events on behalf of, or as a representative  
274 of, the entity;

275 (C) vote or participate in any activities of the entity;

276 (D) perform work on behalf of the entity; or

277 (E) be eligible for any compensation, including regular pay, stipends, or  
278 mileage reimbursement.

279 (2) When an official is suspended, the Oneida Business Committee or Trial Court  
280 shall submit written notices to both the official and to the Business Committee  
281 Support Office of the specific start and end date of the suspension.

282 (e) *Restitution*. An official may be ordered to pay restitution, which may include the  
283 repayment of any improperly-received benefit, or any other payment which is intended to  
284 make another whole after suffering losses as a result of the official's misconduct.

285 (f) *Fines*. An official may be ordered to pay a fine not to exceed \_\_\_\_\_ dollars (\$#)  
286 per act of misconduct.

287 (1) Fines shall be paid to \_\_\_\_\_.

288 (2) Fines shall be paid within ninety (90) days after the order is issued or upheld  
289 on final appeal, whichever is later. Cash shall not be accepted for payment of  
290 fines. If the fine is not paid by this deadline, the \_\_\_\_\_ may seek to collect the  
291 money owed through the Nation's garnishment and/or per capita attachment  
292 process.

293 (3) Money received from fines shall be deposited into the General Fund.

294 (4) Community service may be substituted for part or all of any fine at the rate of  
295 ten dollars (\$10) for each hour of community service.

296 (g) *Loss of Stipend*. An official may be ordered to forfeit a stipend for his or her service  
297 on an entity for up to \_\_\_\_\_ (#) meetings.

298 (h) *Termination of Appointment*. An appointed official may have his or her appointment  
299 terminated by the Oneida Business Committee in accordance with the Nation's laws  
300 and/or policies governing boards, committees, and commissions.

301 (i) *Removal*. The Trial Court may recommend that the process for removing an elected  
302 official as contained in the Nation's laws and/or policies governing removal be initiated.

303 (j) *Prohibition*. An official may be prohibited from serving on an entity for a period of  
304 time not to exceed \_\_\_\_\_ (#) years.

305 120.8-3. *Factors in Determining an Appropriate Sanction and/or Penalty*. When determining  
306 the appropriate sanction or sanctions to impose, the Oneida Business Committee or the Trial  
307 Court may consider all factors it deems relevant, including but not limited to:

308 (a) the seriousness or severity of the misconduct;

309 (b) whether the conduct was intentional or not;

310 (c) the likelihood of repetition;

311 (d) the extent of probable damage to the finances or reputation of the Nation, the  
312 complainant, the entity, or to any other person or organization;

313 (e) whether the official or his or her family personally profited, financially or otherwise,  
314 from the prohibited conduct;

315 (f) the official's remorse, or

316 (g) the official’s willingness and ability to take steps to mitigate the harm caused by the  
317 violation, and

318 (h) any prior complaints filed, including any previous sanctions and penalties imposed  
319 upon the official while serving on an entity.

320 120.8-4. The imposition of sanctions and/or penalties in accordance with this law does not  
321 exempt an official from individual liability for the underlying misconduct, and does not limit any  
322 penalties that may be imposed in accordance with other applicable laws. In addition to any  
323 sanctions and penalties that may be imposed in accordance with this law, officials who commit  
324 misconduct in office may be subject to other consequences; including but not limited to:

325 (a) removal in accordance with the Nation’s laws and/or policies governing removal, if an  
326 elected official;

327 (b) termination of appointment by the Oneida Business Committee, if an appointed  
328 official;

329 (c) criminal prosecution, for misconduct that also violates applicable criminal law;

330 (d) civil liability, in accordance with the applicable law of any jurisdiction; and/or

331 (e) penalties for specific misconduct as authorized by any other law of the Nation.  
332

### 333 **120.9. Effect of Resignation by an Official**

334 120.9-1. The resignation of an official after a complaint has been filed against the official shall  
335 not affect the status of the hearing and determination by either the Oneida Business Committee  
336 or Trial Court.

337 120.9-2. An official who resigns may still be subject to sanctions and/or penalties at the  
338 discretion of the Oneida Business Committee or Trial Court.  
339

### 340 **120.10. Record of Conduct in Office**

341 120.10-1. The Business Committee Support Office shall maintain a record of conduct in office  
342 for each official.

343 120.10-2. The record of conduct in office maintained for each official shall include, at a  
344 minimum:

345 (a) a copy of each complaint filed against the official;

346 (b) the outcome of the complaint, and

347 (c) any sanctions or penalties imposed upon an official.

348 120.10-3. The record of conduct in office for each official shall be maintained for a period of no  
349 less than ten (10) years.  
350

351 *End.*

352  
353 

---

Adopted –  
354



Legislative Operating Committee  
April 2, 2018

# Petition: Metivier – Treatment Clinic

<b>Submission Date:</b> 2/28/18	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Daniel Guzman King	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *This petition requests GTC direct OBC to provide a treatment clinic for opioid addiction, all drug addiction, and alcoholism. The petition states that the Tribe has “copious empty buildings and access to federal funds”, and adds that Per Capita is not to be used for this project.*

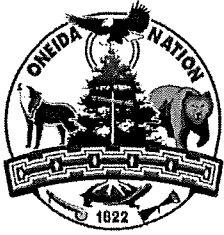
**2/21/18LOC:** Motion by Kirby Metoxen to add Petition Metivier-Treatment Clinic to the active files list as a high priority and assign Daniel Guzman King as the sponsor; seconded by Ernie Stevens III. Motion carried.

**2/28/18 OBC:** Motion by Jennifer Webster to acknowledge receipt of petition; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices’ for legal, financial, legislative, and administrative analyses; to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Secretary within 60 days with a progress report to be submitted within 45 days; to direct the Direct Report Offices to submit administrative analyses to Secretary within 30 days, seconded by Brandon Stevens. Motion carried unanimously

**Next Steps:**

- Approve the 45 Day Progress Report for Petition: Metivier – Treatment Clinic and forward to the Oneida Business Committee for consideration.





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



**TO:** Oneida Business Committee  
**FROM:** David P. Jordan, LOC Chairperson  
**DATE:** April 11, 2018  
**RE:** Petition: Metivier – Treatment Clinic

On February 28, 2018, the Oneida Business Committee (OBC) accepted the verified petition submitted by Yvonne Metivier regarding a treatment clinic and requested that the Legislative Reference Office (LRO) complete a legislative analysis within sixty (60) days and that a progress report be submitted within forty-five (45) days. This memorandum serves as the requested progress report.

The LRO has completed research regarding the petition and will present the completed legislative analysis to the OBC within the sixty (60) day timeframe as directed.



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



### AGENDA REQUEST FORM

- 1) Request Date: 3/21/2018
- 2) Contact Person(s): Susan White/Bonnie Pigman  
 Dept: Trust Enrollment  
 Phone Number: 490-3932 Email: bpigman@oneidanation.org
- 3) Agenda Title: Tribal Identification law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
Develop a Tribal Identification law to address use of various Tribal Identification cards  
authorized by the Nation. The OBC approved amending BC Resolution 10-16-84-A (now 3-14-18-A) to update  
the responsibilities and requirements for Tribal Identification cards. I request the new law include  
the ability to take possession or other enforcement mechanisms to prevent abuse or misuse of the cards.

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

- 1) Memo dtd 3/19/18 from Susan White                      3) Draft Rule #3 - Tribal Identification Cards  
 2) BC Resolution 3-14-18-A                                      4) \_\_\_\_\_
- 5) Please list any laws, policies or resolutions that might be affected:  
BC Resolution 3-14-18-A, Draft Membership Ordinance Rule #3 -Tribal Identification Cards
- 6) Please list all other departments or person(s) you have brought your concern to:  
OBC and Retail
- 7) Do you consider this request urgent?     Yes                       No  
 If yes, please indicate why:  
Due to services/benefits afforded to the membership, requirements are being asked to provide proof - I.D.

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

Signature of Requester:

\_\_\_\_\_

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
or  
**Legislative Operating Committee (LOC)**  
P.O. Box 365  
Oneida, WI 54155  
Phone 920-869-4376

**Trust Enrollment Department**

PO Box 365, Oneida WI 54155

(920) 869-6200 \* 1-800-571-9902

Fax: (920) 869-2995

[TrustEnrollments@oneidanation.org](mailto:TrustEnrollments@oneidanation.org)

<https://oneida-nsn.gov/resources/enrollments/>

35 of 71



**ONEIDA**

**MEMORANDUM**

**To:** Legislative Operating Committee (LOC)

**From:** Susan White, Trust Enrollment Director

**Date:** March 21, 2018

**Subject:** Tribal ID law

*S. White*

Pursuant to section 109.5-1 of the Legislative Procedures Act, the Trust Enrollment Department requests legislation addressing Tribal identification cards. The Oneida Business Committee approved amendments to BC Resolution # BC-10-16-84-A which updated responsibilities and requirements for Tribal identification cards on March 14, 2018. The amendments did not address taking possession of Tribal identification cards and other enforcement mechanisms when there is abuse and misuse of the cards. The Department requests these issues be addressed in a law that supports the resolution.

Attached, please find a draft copy of the Tribal Identification Cards rule that the Trust Enrollment Department worked on prior to the Statement of Effect. The Statement of Effect concluded the Oneida Trust Enrollment Committee did not have rulemaking authority to create the rule. The draft rule may be a template for the Tribal ID law.

Please contact me with questions regarding this request for legislation.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 03-14-18-A

### Amendment of Resolution # BC-10-16-84-A; Responsibility for Tribal Identification Cards

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** at a Special Oneida Business Committee meeting held on October 16, 1984, resolution # BC-10-16-84-A was adopted which delegates to the Oneida Trust Enrollment Committee the responsibility to develop a system for the issuance of picture identification cards to Tribal members who request such cards; and
- WHEREAS,** resolution # BC-10-16-84-A identified the minimum required information for the cards including: name, birthdate, enrollment number, physical description, signature of card holder, and signature of Chairman of Trust Committee and Enrollment Officer; and
- WHEREAS,** at an Oneida Business Committee meeting held on October 26, 1984, resolution # BC-10-16-84-A was discussed and the Committee moved to amend the last resolved item in the resolution to change the requirement of a signature of the Chairperson of the Trust Committee to the signature of the Tribal Chairperson; and
- WHEREAS,** the motion made on October 26, 1984 was adopted by the Oneida Business Committee; however, the actual resolution was never amended to reflect the change; and
- WHEREAS,** there is now a need to update the responsibilities for Tribal Identification Cards.

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Trust Enrollment Committee is recognized as having the specific responsibility to develop a system of identification by the issuance of picture identification cards and non-picture certification cards (an unofficial form of identification used mainly by Tribal members who reside out of state that are unable to obtain an official Tribal identification card).

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Trust Enrollment Committee shall adopt procedures that will secure the manner in which Tribal identification cards and certification cards are issued to prevent abuse and misuse. Other Tribal entities, such as Retail, may also develop procedures to prevent abuse and misuse of Tribal identification cards and certification cards.

**NOW THEREFORE BE IT FURTHER RESOLVED,** that Tribal identification cards shall, at a minimum, contain the following information: photograph; name; birthdate; Tribal roll number; issue date; expiration

BC Resolution 03-14-18-A  
Amendment of Resolution # BC-10-16-84-A; Responsibility for Tribal Identification Cards  
Page 2 of 2

date; address; physical description; signature of card holder; signature of Trust Enrollment Department representative; signature of Tribal Chairperson or Vice-Chairperson; and security features, if available.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that certification cards shall, at a minimum, contain the following information: name, birthdate, Tribal roll number, issue date, signature of Trust Enrollment Department representative, and signature of Tribal Chairperson or Vice-Chairperson.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Trust Enrollment Department may collect a fee, as set by the Oneida Trust Enrollment Committee, for acquiring an original or duplicate Tribal identification card or certification card. The Trust Enrollment Department shall post a fee schedule and if the fee is ever changed by the Oneida Trust Enrollment Committee, the Trust Enrollment Department shall provide public notice of the fee change by publishing at least two (2) times in the Tribal newspaper prior to the change taking effect. All fees shall be paid to the Trust Enrollment Department.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that Tribal identification cards expire ten (10) years from the identified person's next birthday after issuance, unless the member has been officially removed from the membership roll in accordance with applicable law. An expired Tribal identification card shall not be accepted as valid proof of identity at General Tribal Council meetings, Tribal elections, or other Tribal events requiring use of Tribal identification cards. All previously issued Tribal identification cards that did not have an expiration date shall expire two (2) years after the date of this resolution. This expiration shall be communicated to Tribal members by the Trust Enrollment Department.

**NOW THEREFORE BE IT FINALLY RESOLVED**, that Tribal identification cards for minors shall be in a different format than cards for those that have attained the age of eighteen (18). Minors without another form of picture identification, such as a State issued identification card or a school issued identification card, shall be accompanied by their parent or legal guardian in order to be issued a Tribal identification card. Parents or legal guardians shall present an acceptable form of picture identification prior to the Department issuing the minor a card. Tribal identification cards for minors shall expire either ten (10) years from the identified person's next birthday after issuance or on the child's eighteenth (18th) birthday, whichever occurs earlier.

#### CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 14<sup>th</sup> day of March, 2018; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."



## Title 1. Government and Finances – Chapter 124 MEMBERSHIP ORDINANCE Rule #3 – Tribal Identification Cards

- 1.1 Purpose and Delegation
- 1.2 Adoption and Authority
- 1.3 Definitions
- 1.4 Document Condition and Authenticity
- 1.5 Taking Possession of Identification Cards
- 1.6 Required Information
- 1.7 Photograph Requirement
- 1.8 Fees
- 1.9 Identification Cards and Issuance Period
- 1.10 Minors Identification Cards

### 1.1. Purpose and Delegation

1.1-1. *Purpose.* The purpose of this rule is to create enrollment procedures relating to the issuance of Tribal identification cards and certification cards.

1.1-2. *Delegation.* The Membership Ordinance delegated the Oneida Trust Enrollment Committee rulemaking authority pursuant to the Administrative Rulemaking law.

### 1.2. Adoption and Authority

1.2-1. This rule was adopted by the Oneida Trust Enrollment Committee in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed 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 control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Membership Ordinance.

### 1.3. Definitions

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

(a) “Certification card” means a non-picture identification card that identifies an individual as an enrolled member of the Oneida Nation. The card is an unofficial form of identification used mainly by Tribal members who reside out of state that are unable to obtain an official Tribal identification card.

(b) “Department” means the Trust Enrollment Department.

(c) “Duplicate” means an identification card issued for a fee to replace one which has been lost, damaged or destroyed, or to replace one which is no longer accurate because of a change of the person’s name or address, or at the person’s request to have a photograph retaken.

(d) “Minor” means anyone who has not yet attained the age of eighteen (18).

(e) “Nation” means the Oneida Nation.

(f) “Tribal entity” means any of the Nation’s divisions having employees and may include, but is not limited to: divisions, departments, areas, programs, enterprises, boards, committees, and commissions.

(g) “Tribal identification card” means an official form of identification issued by the Trust Enrollment Department which is recognized throughout the Oneida Nation.

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

#### **1.4. Document Condition and Authenticity**

1.4-1. All documents offered by Tribal members and other individuals applying for an identification card or certification card issued by the Nation shall be original documents. Certified copies of government documents shall bear an original certification and the seal of the appropriate agency, or otherwise exhibit evidence to the satisfaction of the Department that the document is authentic. Mutilated, altered, or uncertified photocopies of documents are not acceptable.

1.4-2. The Department may decline to accept any document required to be presented as part of an application for an identification card or certification card if it has any reason to suspect the authenticity of the document, the identity of the person named in the document, the identity of the applicant, or that the enrollment or residency information provided by the applicant is inaccurate.

1.4-3. Documents containing photographs of the holder may be rejected if the person is not readily recognizable from the photograph.

1.4-4. Documents bearing signatures or reproduction of signatures of the holder may be rejected if the signature or reproduced signature does not clearly match all other signatures provided by the presenter as part of the application process.

1.4-5. Documents containing other data will not be accepted if any facts lead the Department to question the authenticity of the document or accuracy of the data.

#### **1.5. Taking Possession of Identification Cards**

1.5-1. A Tribal entity shall take possession of a Tribal identification card or certification card under any of the following circumstances:

- (a) The card is or appears to be counterfeit.
- (b) The cardholder presents the card of another individual under the guise that the cardholder is the other individual.
- (c) The card appears not to be or is not a genuine document.
- (d) The card appears to have been altered.
- (e) The photograph on the card is unrecognizable.
- (f) The cardholder has relinquished their Tribal membership.
- (g) The card is lost or misplaced and is discovered by a Tribal entity.
- (h) The Oneida Police Department has requested confiscation of the card.

1.5-2. All Tribal identification cards or certification cards that are confiscated by a Tribal entity shall be presented to either the Oneida Police Department or the Department. The Oneida Police Department or the Department may exchange the card between the departments, return the card to its rightful owner, or securely dispose of the card.

1.5-3. In the event that a Tribal identification card or certification card is confiscated and the card is later determined to be genuine as it relates to the Tribal member or other individual who presented it, the Oneida Police Department or the Department shall return the card to the person, if possible.

1.5-4. Tribal identification cards and certification cards shall remain the property of the Nation, despite any fees associated with the issuance of the cards.

### **1.6. Required Information**

1.6-1. Tribal identification cards shall, at a minimum, contain the following information:

- (a) Photograph.
- (b) Name.
- (c) Birthdate.
- (d) Tribal roll number.
- (e) Issue date.
- (f) Expiration date.
- (g) Address.
- (h) Physical description.
- (i) Signature of card holder.
- (j) Signature of Trust Enrollment Department representative.
- (k) Signature of Tribal Chairperson or Vice-Chairperson.
- (l) Security features, if available.

1.6-2. Certification cards shall, at a minimum, contain the following information:

- (a) Name.
- (b) Birthdate.
- (c) Tribal roll number.
- (d) Issue date.
- (e) Signature of Trust Enrollment Department representative.
- (f) Signature of Tribal Chairperson or Vice-Chairperson.

### **1.7. Photograph Requirement**

1.7-1. No Tribal identification card, including duplicates, shall be issued unless the person appears in person at the Department and is photographed.

1.7-2. Hats, caps, or other head coverings may not be worn by the applicant when the photograph is taken. If a head covering is worn by the applicant due to religious belief, the covering shall be pushed from the forehead until a full facial image is shown.

1.7-3. A photograph shall be taken with or without glasses, at the applicant's preference. Sunglasses shall be removed. Light sensitive glasses that do not adjust sufficiently to clearly show the eyes shall also be removed.

1.7-4. Hair shall be brushed away from the eye area for the photograph.

1.7-5. Any clothing or device obscuring all or part of a person's face shall be removed when being photographed to show a full facial image, except that any appliances or prosthesis normally used by a person with a permanent facial or dental disfigurement need not be removed.

### **1.8. Fees**

1.8-1. The Department may collect a fee, as set by the Oneida Trust Enrollment Committee, for acquiring an original or duplicate Tribal identification card or certification card.

1.8-2. The Department shall post a fee schedule and if the fee amount is ever changed by the Oneida Trust Enrollment Committee, the Department shall provide public notice of the fee change by publishing a notice at least two (2) times in the Tribal newspaper prior to the change taking effect.

1.8-3. All fees shall be paid to the Department.



**1.9. Identification Cards and Issuance Period**

1.9-1. Tribal identification cards and certification card shall be issued by the Department during business hours or at times as otherwise made available by the Department.

1.9-2. Tribal identification cards expire ten (10) years from the identified person's next birthday after issuance, unless the member has been officially removed from the membership roll in accordance with applicable law.

1.9-3. An expired Tribal identification card shall not be accepted as proof of identity at General Tribal Council meetings, Tribal elections, or other Tribal events requiring use of Tribal identification cards.

1.9-4. All previously issued Tribal identification cards that did not have an expiration date shall expire one (1) year after the effective date of this rule.

**1.10. Minors Identification Cards**

1.10-1. Tribal identification cards for minors shall be in a different format than cards for those that have attained the age of eighteen (18).

1.10-2. Minors without another form of picture identification, such as a State issued identification card or a school issued identification card, shall be accompanied by their parent or legal guardian in order to be issued a Tribal identification card. Parents or legal guardians shall present an acceptable form of picture identification prior to the Department issuing the minor a card.

1.10-3. Tribal identification cards for minors shall expire either ten (10) years from the identified person's next birthday after issuance or on the child's eighteenth (18<sup>th</sup>) birthday, whichever occurs earlier.

*End.*

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Original effective date:



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



### AGENDA REQUEST FORM

- 1) Request Date: April 2, 2018
- 2) Contact Person(s): Clorissa N. Santiago  
Dept: Legislative Reference Office  
Phone Number: (920) 869-4417 Email: csantia1@oneidanation.org
- 3) Agenda Title: Community Support Fund Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
As a result of the joint Judiciary and Oneida Business Committee quarterly meeting, the LOC would  
like to reconsider the designation of an original hearing body to a single position for due process purposes.

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

- 1) \_\_\_\_\_ 3) \_\_\_\_\_
- 2) \_\_\_\_\_ 4) \_\_\_\_\_

- 5) Please list any laws, policies or resolutions that might be affected:  
Community Support Fund law, Community Support Fund law Rule Handbook
- 6) Please list all other departments or person(s) you have brought your concern to:  
Judiciary, Oneida Business Committee
- 7) Do you consider this request urgent?  Yes  No  
If yes, please indicate why:  
\_\_\_\_\_

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

Signature of Requester: \_\_\_\_\_

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
*or*  
**Legislative Operating Committee (LOC)**  
P.O. Box 365  
Oneida, WI 54155  
Phone 920-869-4376



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



### AGENDA REQUEST FORM

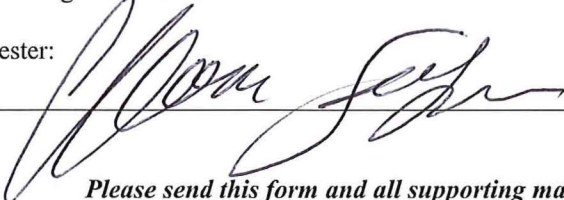
- 1) Request Date: April 2, 2018
- 2) Contact Person(s): Clorissa N. Santiago  
Dept: Legislative Reference Office  
Phone Number: (920) 869-4417 Email: csantia1@oneidanation.org
- 3) Agenda Title: Child Care Department Consumer Complaint Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
As a result of the joint Judiciary and Oneida Business Committee quarterly meeting, the LOC would  
like to reconsider the designation of an original hearing body to a single position for due process purposes.

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

- 1) \_\_\_\_\_ 3) \_\_\_\_\_
- 2) \_\_\_\_\_ 4) \_\_\_\_\_

- 5) Please list any laws, policies or resolutions that might be affected:  
Child Care Department Consumer Complaint law
- 6) Please list all other departments or person(s) you have brought your concern to:  
Judiciary, Oneida Business Committee
- 7) Do you consider this request urgent?  Yes  No  
If yes, please indicate why:  
\_\_\_\_\_

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

Signature of Requester: 

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
or  
**Legislative Operating Committee (LOC)**  
P.O. Box 365  
Oneida, WI 54155  
Phone 920-869-4376

# Legislative Operating Committee



## Agenda Request Form

- 1) Request Date: April 02, 2018
- 2) Contact Person(s): Chad Wilson, Project Manager Dept: Environmental Resource Board  
Phone Number: (920) 496-5361 Email: cwilson1@oneidanation.org
- 3) Agenda Title: Approve certification of Chapter 304 Domestic Animals Rule #1 License Fees, Fines and Penalties
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee  
To replace the emergency rule with an updated license, fine and penalty schedule that  
has met all the administrative rule making requirements.

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

- 1) Draft Rule # 1
- 2) Memorandum to the LOC
- 3) Summary Report; Public Notice
- 4) Memos: Sign-in & Public Comment; Approval

- 5) Please List any laws, ordinances or resolution that might be affected:  
None found by the project team apart from the replacement of the emergency rule.
- 6) Please List all other departments or person(s) you have brought your concern to:  
ERB, EHS&L, Conservation, OPD, Law Office, LRO, Judiciary, Zoning, & Land Commission
- 7) Do you consider this request urgent?     Yes     No  
If yes, please indicate why: \_\_\_\_\_

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

Signature of Requester: 

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
or  
**Legislative Operating Committee (LOC)**  
P.O. Box 365  
Oneida, WI 54155  
Phone 920-869-4376



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



TO: Legislative Operating Committee (LOC)  
 FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney *CNS*  
 DATE: April 2, 2018  
 RE: Certification of Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties

---

The Legislative Reference Office has reviewed the certification packet provided by the Environmental Resource Board and the Environmental, Health, Safety, and Land Division for the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties (“the Rule”). The Rule codifies a licensing fee, fine, and penalty schedule.

The Rule would become effective April 25, 2018, upon adoption by the Oneida Business Committee.

### **Administrative Record**

The certification packet contains all documentation required by the Administrative Rulemaking law for a complete administrative record. The certification packet contains:

- Final draft of the Rule;
- A memorandum from Chad Wilson, Environmental Resource Board Project Manager, containing the Rule’s procedural timeline;
- Summary Report;
- Financial analyses showing no financial impact from the Oneida Judiciary, Environmental Resource Board, Oneida Police Department, Oneida Conservation, Oneida Zoning;
- Statement of Effect;
- Public Meeting Notices as it appeared in the Kalihwisaks;
- Draft of the Rule considered at the public meeting;
- Memorandum from Al Manders, Chair of the Environmental Resource Board, and Pat Pelky, Division Director of the Environmental, Health, Safety & Land Division, approving the Rule; and
- Minutes from Environmental Resource Board meeting during which the proposed rule was discussed and approved.

### **Procedural Requirements**

The certification packet demonstrates that the promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law.

In accordance with the Administrative Rulemaking law:

- A public meeting notice for the Rule was published in the Kalihwisaks on January 18, 2018, and February 1, 2018;
- A public meeting for the Rule was held on February 1, 2018;
- The public comment period was held open until February 15, 2018;
- There were no community member in attendance at the public meeting, and no written comments received during the public meeting or the public meeting comment period;
- The Environmental Resource Board and the Environmental, Health, Safety and Land Division approved the Rule on March 1, 2018.

### **Rulemaking Authority**

The Domestic Animals law delegates rulemaking authority to the Environmental Resource Board and the Environmental Health and Safety Division (now known as the Environmental, Health, Safety, and Land Division) for the purpose of establishing and maintaining a fine and penalty schedule, a licensing fee schedule, and other rules as necessary to enforce and implement this law. [3 O.C. 304.5-2(a)-(c)].

The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

### **Conclusion**

**Promulgation of the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties complies with all requirements of the Administrative Rulemaking law.**



## Title 3. Health and Public Safety – Chapter 304 DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Licensing and Permit Fee Schedule
- 1.5 Fines and Penalty Schedule

### 1.1 Purpose and Authority

1.1-1. *Purpose.* The purpose of this rule is to codify the existing licensing fee schedule and establish an updated fine and penalty schedule.

1.1-2. *Authority.* The Domestic Animals law delegates joint rulemaking authority to the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the Administrative Rulemaking law.

### 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Environmental Health Safety and Land Division and the Environmental Resource Board in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Environmental Health Safety and Land Division and the Environmental Resource Board 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 licensing fees, fines and penalties, and citations issued pursuant to the Domestic Animals law.

### 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) “Citation” means a form of the Oneida Nation Citation that conforms to this rule and is approved for use by the Environmental Resources Board,
- (b) “Conservation Officer”, “Conservation Warden”, or “Warden” may be used interchangeably and means a Conservation Warden with the Oneida Conservation Department.

- (c) “Law Enforcement Officer” means a Law Enforcement Officer with the Oneida Police Department.

#### **1.4. Licensing and Permit Fee Schedule**

1.4-1. Licenses and Permits fees required by the Domestic Animals law are incorporated in this rule as an attachment.

**1.5. Fines and Penalty Schedule.** Violations of the Domestic Animals law may result in the issuance of a citation by a law enforcement or conservation officer. A citation may include any or all the fines/penalties authorized in the Domestic Animals law and/or set forth in this rule; The Fines and Penalty Schedule is incorporated in this rule as an attachment.

*End.*

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



LICENSING/PERMIT FEE SCHEDULE							
License/Permit Type	Fee (per animal)	License/Permit Period	Location to obtain License/Permit				
Cat License	\$5 if spayed/neutered; or \$10	January 1-December 31	LBDC or Oneida Conservation				
Dog License	\$5 if spayed/neutered; or \$10	January 1-December 31	LBDC or Oneida Conservation				
Exotic Animal Permit - Reference 304.8-2	\$10 (all exotics)	January 1-December 31	Oneida Conservation				
Hen Permit	\$10 (5 or more)	January 1-December 31	Oneida Conservation				
Conditional Use Permit - Livestock Residential Area	\$0	See *** below	Zoning Department				
DOMESTIC ANIMAL FINE AND PENALTY SCHEDULE							
Violation	Reference	1st Offense	2nd Offense	3rd Offense and up	Must Appear	Restitution Possible	Other Possible Penalty*
DOG/CAT REQUIREMENTS							
No required license	304.6-1	\$25	\$50	\$100			Seize/Impound**
Improperly/no attached license	304.6-1(b)	\$25	\$50	\$100			Seize/Impound
No current rabies vaccine	304.6-2	\$150	\$500	\$750			Seize/Impound
Failure to obey district quarantine	304.6-3	\$500	\$750	\$1,000	Y		Seize/Impound
Animal running at large	304.6-4	\$150	\$500	\$750			Seize/impound
Nuisance animal	304.6-4	\$150	\$500	\$750	Y		Seize/impound/Costs
Exceeding limit of allowed animals (per animal)	304.6-5	\$25 ea.	\$50 ea.	\$100 ea.	y		Seize/Impound
TREATMENT OF ANIMALS							
Failure to provide food/water	304.7-1	\$500	\$750	\$1,000	Y		Seize/Impound
Failure to comply with shelter standards	304.7-2(a) or (b)	\$150	\$500	\$750	Y		Seize/Impound
Failure to meet enclosure space standards	304.7-1(c)	\$150	\$500	\$750	Y		Seize/Impound
Failure to comply with sanitation standards	304.7-1(d)	\$150	\$500	\$750	Y		Seize/Impound
Mistreatment of animals	304.7-3	\$500	\$750	\$1,000	Y		Seize/Impound
PROHIBITED ANIMALS							
Keep/Release prohibited or exotic animal	304.8-1 or 2	\$500	\$750	\$1,000	Y		Seize/Impound
Possessing prohibited or exotic animal without required permit	304.8-3	\$150	\$500	\$750			Seize/Impound/Costs
Failure to provide notice of release/escape	304.8-5	\$500	\$750	\$1,000	Y		Seize/Impound
LIVESTOCK							
Keeping livestock with no conditional use permit	304.9-1	\$100	\$200	\$300			Seize/Impound
Violate livestock lot requirements	304.9-1	\$150	\$500	\$750			Seize/Impound
Livestock at large	304.9-2	\$150	\$500	\$750		Y	Seize/Impound
Keeping hens without required permit	304.9-3	\$100	\$200	\$300			Seize/Impound
Prohibited keeping of rooster(s)	304.9-3	\$100	\$200	\$300			Seize/Impound
Keeping hen(s) in prohibited manner	304.9-3(a)	\$100	\$200	\$300	Y		Seize/Impound
Nuisance hen(s)	304.9-3(b)	\$100	\$200	\$300			Seize/Impound
DANGEROUS ANIMALS							
Harboring a Dangerous Animal	304.10-1 or 2	\$500	\$1,000	\$2,000	Y	Y	Seize/Impound/Declaration of Dangerousness
Failure to post required dangerous animal sign(s)	304.10-2(c)	\$100	\$200	\$300			Seize/Impound
Failure to spay/neuter required animal	304.10-2(d)	\$150	\$500	\$750	Y		Seize/Impound
Failure to provide/ provide proof of required liability insurance	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to notify of insurance policy cancelation	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to microchip required animal	304.10-2(f)	\$150	\$500	\$750	Y		Seize/Impound

Failure to comply with ongoing notification requirements	304.10-2(g)	\$150	\$500	\$750	Y		Seize/Impound
Bringing/Keeping a vicious animal	304.10-3	\$750	\$1,500	\$2,500	Y	Y	Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to provide required proof of destruction	304.10-3(b)(3)	\$150	\$500	\$750	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to notify police of animal bite	304.10-4	\$150	\$500	\$750			
Failure to quarantine	304.10-4(a)	\$500	\$750	\$1,000	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
LIABILITY FOR DAMAGE(S)							
Damage caused by animal	304.11-1	\$100	\$200	\$300	Y	y	Seize/Impound/Liability for damage up to 2x amount

\*Criminal charges/referrals may be appropriate in certain cases and is not prohibited

\*\*Seize/Impound may include forfeiture and destruction in certain cases. Owners are responsible for impound costs/fees.

\*\*\* Conditional Land Use Permit(s) for Livestock in a residential area expires when the permittee resides at an address that is different than what is listed on the permit; please note that Conditional Land Use permits are not attached to the land but to the individual they are issued.



# Memorandum

Date: March 14, 2018  
To: Legislative Operating Committee  
From: Chad Wilson, Project Manager/ERB

The Environmental Resource Board and Environmental, Health, Safety, & Land division have worked cooperatively with the help of all stakeholders to create the proposed rule under Title 3. Health and Public Safety - Chapter 304 Domestic Animals, called Rule #1 – Licensing Fees, Fines and Penalties. Below will show that administrative rulemaking processes have been completed.

Timeline of dates that each rulemaking requirements was completed:

1. Date of Public Meeting was posted.
  - a. Website – January 17, 2018
  - b. Kalihwisaks – January 18, 2018 and February 01, 2018
2. Date the Public Meeting was held.
  - a. February 01, 2018
3. Date the public comments period closed.
  - a. February 15, 2018
4. Date the public comments were considered.
  - a. There were no public or written comments
5. Date the request to other agencies was made for financial analysis.
  - a. January 12, 2018
6. Date the rule will go into effect.
  - a. April 25, 2018

There were no attendees to the public meeting and no written comments were received by mail.

Chad Wilson  
Project Manger  
Environmental Resource Board

Attachments:

Chapter 304 Domestic Animals Rule #1 – Licensing Fees, Fines and Penalties  
Summary Report  
Kalihwisaks public meeting notice  
Agencies approval letter & ERB Minutes

**Summary Report for DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES**

Original effective date: 01/01/18

Amendment effective date: 03/21/18

**Name of Rule:** DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

**Name of law being interpreted:** Chapter 304 Domestic Animals

**Rule Number:** #1

**Other Laws or Rules that may be affected:** None

**Brief Summary of the proposed rule:** The proposed rule incorporates the current licensing fees into a formal schedule as well as updates the fine and penalty schedule; Due to the Domestic Animals amendments there are additional licensing/permits fees, fines, and penalties that needed to be added to the schedule. This permanent rule is expected to become effective on March 21, 2018 after OBC adoption and will replace the emergency rule that has an effective date of 01/01/18.

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

**Financial Analysis:** This rule creates no anticipated fiscal impact. The Oneida Judiciary, Environmental Resource Board (ERB), Oneida Police Department (OPD), Oneida Conservation, and Oneida Zoning provided responses to this effect.

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**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.*

### Financial Analysis for [Insert Name of Rule]

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	There are no startup costs to this rule.	\$0.00
Personnel	There are no additional costs to personnel to implement this rule.	\$0.00
Office	There are no additional costs to Office to implement this rule.	\$0.00
Documentation Costs	There are no additional costs to Document Costs to implement this rule.	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Compliance will immediately after the rule has been approved.	\$0.00
Other, please explain		
Total	Annual Net Revenue	\$0.00



## **Statement of Effect**

### *Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties*

#### ***Summary***

The Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties codifies the existing licensing fee schedule and establishes an updated fine and penalty schedule.

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

*Date: January 17, 2018*

#### ***Analysis by the Legislative Reference Office***

The Domestic Animals law delegates general rulemaking authority to the Environmental Health and Safety Division and the Environmental Resource Board, to jointly establish and maintain a fine and penalty schedule, a licensing fee schedule, and other rules as necessary to enforce and implement this law. [see *Domestic Animals law section 304.5-2*].

Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties provides a licensing and permit fee schedule for a variety of domestic animals, as well as a fine and penalty schedule for various offenses.

#### ***Conclusion***

There are no legal bars to adopting the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties.

**Notice of Public Meeting**

**To be held:**  
Wednesday, January  
31st 2018 at  
10:00 A.M. and 5:30 P.M.  
in the Oneida Economic  
Support Conference  
Room

2640 West Point Rd.  
Green Bay, WI

In accordance with the  
Administration for Child-  
ren and Families the  
Oneida Nation Econom-  
ic Support Department  
is hosting this Public  
Meeting to gather feed-  
back from the commu-  
nity regarding the Tem-  
porary Assistance for  
Needy Families (TANF)  
plan for May 1, 2018-  
April 30th, 2021.

**Topic: Oneida Nation  
TANF Plan**

To obtain copies of  
the proposed plan you  
may visit the Economic  
Support website and/  
or office as well as the  
Oneida Library.

<https://oneida-nsn.gov/resources/self-sufficiency/economic-support/>

All interested persons  
may submit written/  
verbal comments at the  
Public Meeting. If un-  
able to attend, the dead-  
line for written com-  
ments is **January 31  
2018, 4:30 PM**

Written comments  
may be submitted to the  
Director of Economic  
Support, Delia Smith or  
Program Manager, Bar-  
bara Metoxen, in person  
at the Social Services  
Building or by U.S.  
mail, interoffice mail, e-  
mail or fax.

P.O. Box 365 Oneida,  
WI 54155

Fax: 920-490-6803

Dsmith1@oneidanation.  
org Ph. 490-3776

bmetoxen@oneidana-  
tion.org Ph. 490-3777

**Public Hearing Notice**

6:00 p.m. at Ridgeview Plaza 3759 W. Mason St. Suite 4  
Thursday, February 1, 2018

**Purpose:** Chapter 304 Domestic Animals #1 – Rule: LICENSING FEES, FINES AND PENALTIES

The Environmental Resource Board (ERB) and the Environmental, Health, Safety, and Land division (EHSL) under Chapter 304.5-2.(a) and (b) have been delegated rule making authority in relation to Domestic Animals licensing fee, fines, and penalties.

The purpose of the hearing is to gather public comments for the chapter 304 Domestic Animals #1 – Rule: LICENSING, FEES, FINES AND PENALTIES.

You may view the proposed rule on the Oneida Register <https://oneida-nsn.gov/government/register/> or hard copies can be picked up at the Environmental Resource Board located at Ridgeview Plaza 3759 W. Mason St. Suite 6 Oneida, WI. 54155.

**I. Testimony:**

**a. Oral:** There will be a 5 minute limit for all oral presentations. Each participant is encouraged to provide a written transcript of his/her oral testimony to be submitted while present at the public hearing or within in ten (10) business days from the date of public hearing to the below named individual.

**b. Written:** For those who cannot attend the scheduled public hearing or do not plan to speak at the hearing, the ERB and EHSL encourages those to submit written testimony. A maximum of five (5) pages, doubled spaced, can be submitted within ten (10) business days from the date of public hearing to Chad Wilson, Project Manager, [cwilson1@oneidanation.org](mailto:cwilson1@oneidanation.org) at Environmental Resource Board P.O. 365 Oneida WI, 54155.

**PUBLIC NOTICE:*****Changes to Payment Location for Tribal Citations & Judgements***

The Environmental Resource Board (ERB) hereby gives notice that our hearing authority shall transfer to the Oneida Judiciary Trial Court on **Monday, January 01, 2018**. Due to the transfer of hearing authority payment for citations and judgements will change.

**If you receive a judgement or citation:**

Citations titled “**Oneida Conservation Citation**” that are heard before the Environmental Resource Board shall continue to be paid at the Oneida Conservation Department located at: N8047 County Road U, Oneida WI, 54144. Questions, please call Conservation at (920) 869-6500.

Citations titled “**Oneida Nation Citation**” that are heard before the Oneida Judiciary Trial Court shall be paid at:  
2630 West Mason Street, Green Bay, WI 54303. Questions, please call (920) 496-7200.

**Question related to changes with these laws please call Chad Wilson, Project Manager/Environmental Resource Board at (920) 496-5361, e-mail: [cwilson1@oneidanation.org](mailto:cwilson1@oneidanation.org) or come to our office located at Ridgeview Plaza 3759 W. Mason St. Suite 6, Oneida, WI 54155.**

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Thursday, February 01, 2018

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Question related to changes with these laws please call Chad Wilson, Project Manager/Environmental Resource Board at (920) 496-5361, e-mail: [cwilson1@oneidanation.org](mailto:cwilson1@oneidanation.org) or come to our office located at Ridgeview Plaza 3759 W. Mason St. Suite 6, Oneida, WI 54155.

**LEGAL NOTICE**

Setting Time and Notice to Creditors: request for information.

The following estates are being prepared for probate by the United States Department of the Interior and/or

The Oneida Nation of Wisconsin, Land Commission and/or Oneida Judiciary.

All creditor claims must be filed on or before **March 14, 2018 for:**

Frank Skenandore DOB 03/18/1941 – 10/22/2017

Lynn Balvin DOB

06/13/1942 – 04/03/2009 07/23/1960 – 09/29/2017

Shirley Clark DOB 02/28/1928 – 07/07/1992

Meril Kerr Jr. DOB 08/31/1971 – 08/30/2014

Carmellia Nicholson DOB 05/07/1945 – 01/18/2010

Karen Skenandore DOB 02/03/1940 – 11/16/2010

Edward Tecumseh DOB

Send all creditor claims and information relating to the decedent to the following address:

Tina L Figueroa, Land Title and Trust Specialist  
Oneida Nation of Wisconsin  
Division of Land Management,  
PO Box 365,  
Oneida WI 54155

*Dated Wednesday,  
January 03, 2018*

**LEGAL NOTICE**  
**ONEIDA FAMILY COURT**  
**NOTICE OF HEARING**

RE: Case #14-PA-190  
ONCSA & Noreata  
A. Vega v Martin Valdez

A diligent attempt was made to notify the above Petitioner/Mother of a Motion for Contempt and Motion to Modify Custody and Physical Placement filed by Respondent/Father. A hearing shall take place on **Monday, February 5, 2018 at 1:30 pm** in the above captioned case at the Oneida Family Court office located at 2630 West Mason Street, Green Bay, WI 54303.

Inquiries for additional information may be directed to:  
Oneida Family Court  
P.O. Box 19  
Oneida, WI 54155  
(920) 496-7200

**ATTENTION**  
**Tribal ID Holders**

*As of January 1, 2018*

**There will be NEW TRIBAL ID's Available**

**Cost:** Picture Tribal ID's: **\$5.00**

Picture Tribal ID's for Elders (*age 55 & older*): **\$2.00**

**Hours for Issuing Tribal ID's:**

Monday – Friday  
9:00 AM to 4:00 PM

**Location: Trust Enrollment Department**

210 Elm St  
Oneida WI 54155

**You must provide another form of valid identification**

(Examples: Driver's License, State ID, School ID)  
**(NO trade-ins of Old ID Cards will be allowed)**

If you are coming from out of town and/or require a specialized time, please call at least two (2) business days in advance to schedule an appointment at:

**(920) 869-6200 or (800) 571-9902**  
**or email at:**

**[emailtrustenrollments@oneidanation.org](mailto:emailtrustenrollments@oneidanation.org)**

*Published by Trust Enrollment Department*



## PUBLIC MEETING DRAFT



## Title 3. Health and Public Safety – Chapter 304 DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Licensing and Permit Fee Schedule
- 1.5 Fines and Penalty Schedule

### 1.1 Purpose and Authority

1.1-1. *Purpose.* The purpose of this rule is to codify the existing licensing fee schedule and establish an updated fine and penalty schedule.

1.1-2. *Authority.* The Domestic Animals law delegates joint rulemaking authority to the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the Administrative Rulemaking law.

### 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Environmental Health Safety and Land Division and the Environmental Resource Board in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Environmental Health Safety and Land Division and the Environmental Resource Board 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 licensing fees, fines and penalties, and citations issued pursuant to the Domestic Animals law.

### 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) “Citation” means a form of the Oneida Nation Citation that conforms to this rule and is approved for use by the Environmental Resources Board,
- (b) “Conservation Officer”, “Conservation Warden”, or “Warden” may be used interchangeably and means a Conservation Warden with the Oneida Conservation Department.

- (c) “Law Enforcement Officer” means a Law Enforcement Officer with the Oneida Police Department.

#### **1.4. Licensing and Permit Fee Schedule**

1.4-1. Licenses and Permits fees required by the Domestic Animals law are incorporated in this rule as an attachment.

**1.5. Fines and Penalty Schedule.** Violations of the Domestic Animals law may result in the issuance of a citation by a law enforcement or conservation officer. A citation may include any or all the fines/penalties authorized in the Domestic Animals law and/or set forth in this rule; The Fines and Penalty Schedule is incorporated in this rule as an attachment.

*End.*

---

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

LICENSING/PERMIT FEE SCHEDULE							
License/Permit Type	Fee (per animal)	License/Permit Period	Location to obtain License/Permit				
Cat License	\$5 if spayed/neutered; or \$10	January 1-December 31	Oneida Conservation				
Dog License	\$5 if spayed/neutered; or \$10	January 1-December 31	Oneida Conservation				
Exotic Animal Permit	\$10 (all exotics)	January 1-December 31	Oneida Conservation				
Hen Permit	\$10 (5 or more)	January 1-December 31	Oneida Conservation				
Conditional Use Permit - Livestock Residential Area	\$0	See *** below	Zoning Department				
DOMESTIC ANIMAL FINE AND PENALTY SCHEDULE							
Violation	Reference	1st Offense	2nd Offense	3rd Offense and up	Must Appear	Restitution Possible	Other Possible Penalty*
DOG/CAT REQUIREMENTS							
No required license	304.6-1	\$25	\$50	\$100			Seize/Impound**
Improperly/no attached license	304.6-1(b)	\$25	\$50	\$100			Seize/Impound
No current rabies vaccine	304.6-2	\$250	\$700	\$750			Seize/Impound
Failure to obey district quarantine	304.6-3	\$500	\$750	\$1,000	Y		Seize/Impound
Animal running at large	304.6-4	\$150	\$500	\$750			Seize/impound
Nuisance animal	304.6-4	\$150	\$500	\$750	Y		Seize/impound/Costs
Exceeding limit of allowed animals (per animal)	304.6-5	\$25 ea.	\$50 ea.	\$100 ea.	y		Seize/Impound
TREATMENT OF ANIMALS							
Failure to provide food/water	304.7-1	\$500	\$750	\$1,000	Y		Seize/Impound
Failure to comply with shelter standards	304.7-2(a) or (b)	\$150	\$500	\$750	Y		Seize/Impound
Failure to meet enclosure space standards	304.7-1(c)	\$150	\$500	\$750	Y		Seize/Impound
Failure to comply with sanitation standards	304.7-1(d)	\$150	\$500	\$750	Y		Seize/Impound
Mistreatment of animals	304.7-3	\$500	\$750	\$1,000	Y		Seize/Impound
PROHIBITED ANIMALS							
Keep/Release prohibited or exotic animal	304.8-1 or 2	\$500	\$750	\$1,000	Y		Seize/Impound
Possessing prohibited or exotic animal without required permit	304.8-3	\$150	\$500	\$750			Seize/Impound/Costs
Failure to provide notice of release/escape	304.8-5	\$500	\$750	\$1,000	Y		Seize/Impound
LIVESTOCK							
Keeping livestock with no conditional use permit	304.9-1	\$100	\$200	\$300			Seize/Impound
Violate livestock lot requirements	304.9-1	\$150	\$500	\$750			Seize/Impound
Livestock at large	304.9-2	\$150	\$500	\$750		Y	Seize/Impound
Keeping hens without required permit	304.9-3	\$100	\$200	\$300			Seize/Impound
Prohibited keeping of rooster(s)	304.9-3	\$100	\$200	\$300			Seize/Impound
Keeping hen(s) in prohibited manner	304.9-3(a)	\$100	\$200	\$300	Y		Seize/Impound
Nuisance hen(s)	304.9-3(b)	\$100	\$200	\$300			Seize/Impound
DANGEROUS ANIMALS							
Harboring a Dangerous Animal	304.10-1 or 2	\$500	\$1,000	\$2,000	Y	Y	Seize/Impound/Declaration of Dangerousness
Failure to post required dangerous animal sign(s)	304.10-2(c)	\$100	\$200	\$300			Seize/Impound
Failure to spay/neuter required animal	304.10-2(d)	\$150	\$500	\$750	Y		Seize/Impound
Failure to provide/ provide proof of required liability insurance	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to notify of insurance policy cancelation	304.10-2(e)	\$150	\$500	\$750	Y		Seize/Impound
Failure to microchip required animal	304.10-2(f)	\$150	\$500	\$750	Y		Seize/Impound
Failure to comply with ongoing notification requirements	304.10-2(g)	\$150	\$500	\$750	Y		Seize/Impound

Bringing/Keeping a vicious animal	304.10-3	\$750	\$1,500	\$2,500	Y	Y	Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to provide required proof of destruction	304.10-3(b)(3)	\$150	\$500	\$750	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to notify police of animal bite	304.10-4	\$150	\$500	\$750			
Failure to quarantine	304.10-4(a)	\$500	\$750	\$1,000	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
LIABILITY FOR DAMAGE(S)							
Damage caused by animal	304.11-1	\$100	\$200	\$300	Y	y	Seize/Impound/Liability for damage up to 2x amount

\*Criminal charges/referrals may be appropriate in certain cases and is not prohibited

\*\*Seize/Impound may include forfeiture and destruction in certain cases. Owners are responsible for impound costs/fees.

\*\*\* Conditional Land Use Permit(s) for Livestock in a residential area expires when the permittee resides at an address that is different than what is listed on the permit; please note that Conditional Land Use permits are not attached to the land but to the individual they were issued.

# Memorandum

Date: March 1, 2018

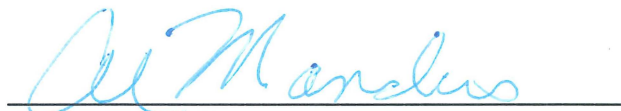
To: Legislative Reference Office

From: Environmental Resource Board and Environmental, Health, Safety & Land Division

Re: **Domestic Animals: Rule #1 – LICENSING FEES, FINES AND PENALTIES**

The Environmental Resource Board and Environmental, Health, Safety & Land Division have worked cooperatively to create the rule and fee schedule for the Chapter 304 Domestic Animals Ordinance in coordination with assistance from the Legislative Reference Office and Oneida Law Office.

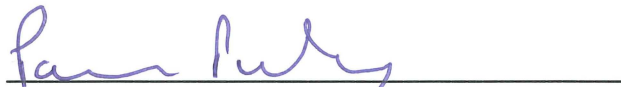
The signees below approve the rule called: Title 3. Health and Public Safety – Chapter 304 DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES.

A handwritten signature in blue ink, reading "Al Manders", written over a horizontal line.

Al Manders

Chair

Environmental Resource Board

A handwritten signature in purple ink, reading "Pat Pelky", written over a horizontal line.

Pat Pelky

Division Director

Environmental, Health, Safety & Land Division

## ENVIRONMENTAL RESOURCE BOARD MEETING

### Ridgeview Plaza, Suite 4

March 1, 2018 – 6:00 p.m.

#### ATTENDANCE

ERB MEMBERS: Ted Hawk, Al Manders, Gerald Jordan, Richard Baird, Marlene Garvey,  
Tom Oudenhoven, Nicole Steeber  
STAFF: Laura Manthe, Chad Wilson, Gene Schubert  
GUEST: Shad Webster, Mike Finney, Rich Vanboxtel, Brooke Doxtator,  
Ernie Stevens

#### APPROVAL OF MINUTES

Meeting called to order at 6:00 pm. Motion to approve agenda by Ted Hawk, seconded by Tom Oudenhoven, motion passes. Motion to approve the minutes of 2/1/18 by Richard Baird, seconded by Gerald Jordan, motion passes.

#### OLD BUSINESS

1. ERB positions  
Brooke Doxtator, Supervisor of B.C.C., gave an update on realigning ERB vacancies to resume the staggering stated in the by-laws. 2 new posted positions will be for 1 yr and the other 2 will be for the regular 3 yr term. These will run according to the fiscal years and remain fixed. Gerald, Nicole, Richard and Tom have the expiring terms this year.
2. Grazing Lands  
Mike Finney distributed a map of proposed grazing project which would be supported by external funds. Grazing is an alternative to the local CAFO models which produce heavy manure loads and rely on pesticides. Mike showed a short video discussing the health benefits of grass fed beef. Discussion with ERB about design options for the fencing to facilitate hunting activities.
3. Hearing transition to the Judiciary  
Chad is finalizing the issue of depositing revenue from citations into the general fund. He is drafting an agreement (an I.O.P) with the Court Judge so that they may assume the debt collection. Chad will bring the proposal back to review how far back and what amounts to have as the minimum limits for proposed collections.
4. Domestic Animals Fine Schedule and Rule  
Chad updated on the final changes per discussion with EHS&L Division, OPD, and attorneys. Motion by Tom Oudenhoven to approve, seconded by Nicole Steeber, motion passes. Rich gave an

update about comparison of Oneida citation fines to similar municipal fines. Discussion of how the \$25 court fee could be included in the fine or not, similar to other citations that are issued by Oneida.

5. Comprehensive Policy for Board, Committees, and Commissions  
A public meeting was held 2/22. The updates include expansion of several sections including by-laws, prohibition on drugs, appointment process, termination process, expectations for members, quarterly reporting and more. Liaison Ernie Stevens pointed out that the intent is to make basic standards equivalent across the different entities so that the reports and representation become more similar and equal.

## **NEW BUSINESS**

1. Spring Turkey Hunt and Hunter's feast  
Shad proposed to return Turkey Season to 2011-2015 model where "sportsmen to purchase a set of tags for the harvest of one bearded and one hen, after successfully harvesting both, be allowed to purchase another set." Motion to approve by Tom Oudenhoven, seconded by Minnie Garvey, motion passes. Also discussion about resuming the Hunter's meeting, probably for August, and Tom mentioned he has some ham to donate. Shad advocated for the surveys as a preferred method of collecting member opinions.
2. Hearing on 3/15  
Gene updated that one more hearing was required as a stipulation agreement verbally agreed upon in December was never signed by the individual respondent. Al, Ted, Tom, and Gerald volunteered.
3. Hobart Restricted Area Map  
Laura reviewed a map created by GLIS and Conservation demonstrating an overlap of Oneida property within the proposed "Hobart restricted areas" for discharging firearms. There will be no action within Oneida currently to contest but there may be an incident in the future to challenge which will require advocacy/support from the organization.
4. ERB Incentive SOP  
Chad reviewed the SOP created to support employee incentives.

## **ADJOURNMENT**

Motion to adjourn at 7:52 pm by Gerald Jordan, seconded by Tom Oudenhoven, motion passes.

**From:** LOC

**Date:** 3/21/18 8:50 AM (GMT-06:00)

**To:** David P. Jordan, Kirby W. Metoxen, Jennifer A. Webster, Daniel P. Guzman, Ernest L. Stevens

**Cc:** Leyne C. Orosco, Rosa J. Laster, Jessica L. Wallenfang, Melinda J. Danforth, Cathy L. Bachhuber

**Subject:** E-POLL REQUEST: Accept the Children's Code Quarterly Update and Forward to the Oneida Business Committee

### **Good Morning Legislative Operating Committee.**

This email serves as the e-poll for the Children's Code Implementation Quarterly Update.

### **Executive Summary**

Due to the fact that the March 21, 2018, Legislative Operating Committee meeting is canceled, and the second Children's Code Implementation Quarterly Update is due to the Oneida Business Committee on March 28, 2018, an e-poll is necessary.

On July 26, 2017, upon adoption of the Children's Code, the Oneida Business Committee directed that a full implementation plan be submitted to the Oneida Business Committee, with quarterly reports submitted thereafter. The Children's Code Implementation Quarterly Update provides information on the progress of the various affected entities in the implementation of the Children's Code. The update reviews the accomplishments and goals of the Oneida Nation Family Court, the Oneida Nation Indian Child Welfare Department, Oneida Police Department, Oneida Nation Cultural Heritage Department, and the 161 Agreement Negotiation Team.


### **Requested Action**

**Accept the Children's Code Implementation Quarterly Report and forward to the Oneida Business Committee.**


### **Deadline for Response**

**March 21, 2018, at 3:30 p.m.**

All supporting documentation has been attached to this email for your convenience.


 The sender responded: Approve.

From: David P. Jordan Sent: Wed 3/21/2018 9:43 AM  
 To: LOC  
 Cc:  
 Subject: Approve: E-POLL REQUEST: Accept the Children's Code Quarterly Update and Forward to the Oneida Business Committee

 The sender responded: Approve.

From: Kirby W. Metoxen Sent: Wed 3/21/2018 10:06 AM  
 To: LOC  
 Cc:  
 Subject: Approve: E-POLL REQUEST: Accept the Children's Code Quarterly Update and Forward to the Oneida Business Committee

From: Daniel P. Guzman Sent: Wed 3/21/2018 11:12 AM  
 To: LOC; David P. Jordan; Kirby W. Metoxen; Jennifer A. Webster; Ernest L. Stevens  
 Cc: Leyne C. Orosco; Rosa J. Laster; Jessica L. Wallenfang; Melinda J. Danforth; Cathy L. Bachhuber  
 Subject: Re: E-POLL REQUEST: Accept the Children's Code Quarterly Update and Forward to the Oneida Business Committee

Accept 



From: Ernest L. Stevens Sent: Wed 3/21/2018 12:16 PM  
To: LOC; David P. Jordan; Kirby W. Metoxen; Jennifer A. Webster; Daniel P. Guzman  
Cc: Leyne C. Oroscio; Rosa J. Laster; Jessica L. Wallenfang; Melinda J. Danforth; Cathy L. Bachhuber  
Subject: Re: E-POLL REQUEST: Accept the Children's Code Quarterly Update and Forward to the Oneida Business Committee

Support, with the following suggested addition:  
On [December 27, 2017](#), the Oneida Business Committee reviewed and accepted the first Children's Code Implementation Quarterly Update.


Sent from my Samsung Galaxy smartphone.

From: Jennifer A. Webster Sent: Wed 3/21/2018 12:21 PM  
To: LOC; David P. Jordan; Kirby W. Metoxen; Daniel P. Guzman; Ernest L. Stevens  
Cc: Leyne C. Oroscio; Rosa J. Laster; Jessica L. Wallenfang; Melinda J. Danforth; Cathy L. Bachhuber  
Subject: Re: E-POLL REQUEST: Accept the Children's Code Quarterly Update and Forward to the Oneida Business Committee

**Approve,**  
**Jenny**

Sent from my Samsung Galaxy smartphone.



TO: Oneida Business Committee  
FROM: David P. Jordan, LOC Chairperson   
DATE: March 28, 2018  
RE: Children's Code Implementation Quarterly Update

---

The Children's Code was adopted by the Oneida Business Committee (OBC) through resolution BC-07-26-17-J with the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit, by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation, and acknowledging the customs and traditions of the Nation when raising an Oneida child.

On July 26, 2017, the OBC directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the full implementation.

On September 13, 2017, the OBC reviewed and accepted the Children's Code Implementation plan. This implementation plan is to be used as a guideline for the affected entities to prepare for the successful implementation of the Children's Code. This implementation plan is not exhaustive, and the OBC can modify the effective date of the Children's Code and implementation plan as it deems necessary to successfully implement the Children's Code.

On December 27, 2017, the Oneida Business Committee review and accepted the first Children's Code Implementation Quarterly Update.

This memorandum serves as the second quarterly update to the OBC on the implementation of the Children's Code.

## ONEIDA FAMILY COURT

### *Accomplishments*

In accordance with the approved implementation plan, the Oneida Family Court (OFC) was able to complete the following by the time of this second quarterly report:

- *Appointment of the Oneida Family Court Judge.*
  - The Oneida Business Committee approved the Family Court Judge contract on March 14, 2018. The new judge will be formally appointed and begin at the OFC within the next ninety (90) days.
- *Development of Forms and Guides.*
  - Some preparation of various forms and guides that will be necessary for the implementation of the Children's Code have been developed, including:
    - Children's Code Judicial Benchbook;
    - Hearing checklists;
    - Case Closure Order;
    - Consent Decree (In Home);

- Consent Decree (Out of Home);
  - Dispositional Order – Protection of Services;
  - Order Appointing Guardian;
  - Order for Trial Reunification Extension;
  - Order for Trial Reunification Revocation;
  - Order for Trial Reunification;
  - Petition for Appointment of Guardian;
  - Request for Case Closure;
  - Request for Trial Reunification Extension;
  - Request for Trial Reunification Revocation;
  - Request for Trial Reunification;
  - Request to Extend Consent Decree;
  - Stipulation for Consent Decree (In Home);
  - Stipulation for Consent Decree (Out of Home);
  - Temporary Physical Custody Request; and
  - Termination of Parental Rights Warnings.
- *Hiring of the Family Court Clerk.*
    - The Family Court Clerk position is posted open to Oneida Tribal Members only.

### **Goals**

In accordance with the approved implementation plan, the OFC has the following goals for the next quarter:

- *Hire Family Court Clerk.*
  - Although the Family Court Clerk position has been posted open to Oneida Tribal Members only, the OFC has not yet received sufficient interest and qualified applicants.
  - The new Family Court Clerk will need to be trained on clerk duties pertaining to cases involving the Children’s Code, child support, divorce, legal custody, physical placement and visitation matters.
  - Ideally, the second Family Court Clerk would be hired and start training and working at the OFC prior to the new Family Court Judge, so that the new clerk is prepared to assist the new Family Court Judge in hearing cases immediately upon the new Family Court Judge’s arrival. There is concern that this may be unlikely to occur even if the newly appointed Family Court Judge does not begin with the OFC until mid-June.
- *Begin OFC Training.*
  - The OFC plans to begin training on the Children’s Code once the OFC is fully staffed. Due to the current caseload, no training opportunities are available until the new Judge and Clerk begin.
- *Recruitment of Guardians ad Litem (GALs).*
  - The OFC will continue recruitment of GALs. The OFC’s existing caseload is making full use of current GALs. OFC has begun to receive contact information from individuals who are interested in serving as GALs, but many more are needed.
  - A GAL training needs to be developed for new and existing GALs that wish to work on Children’s Code cases.
  - OFC requests that the Oneida Business Committee assist with the recruitment of GALs by communicating the need for individuals to serve in this capacity.

## ONEIDA INDIAN CHILD WELFARE DEPARTMENT

### *Accomplishments*

In accordance with the approved implementation plan, the Indian Child Welfare Department (ICW) was able to complete the following in time for the second quarterly report:

- *Hiring of Additional Staff.*
  - ICW has hired all additional staff except for two (2) ICW case workers.

### *Goals*

In accordance with the approved implementation plan, ICW has the following goals for the next quarter:

- *Hiring of Additional Staff.*
  - ICW held interviews for the two ICW case worker positions on March 14, 2018. ICW plans to have this positions filled and to be fully staffed by the next quarter.
  - The Implementation plan calls for the ICW paralegal position to begin six (6) months prior to implementation of the Children's Code. The job description for the paralegal position is currently with the Human Resource Department for review and approval. ICW hopes to hire a paralegal before the end of the next quarter.
- *Memorandum of Agreement with the Oneida Police Department.*
  - ICW and the Oneida Police Department hope to complete a memorandum of agreement that will detail the relationship, roles, communication, and responsibilities of the two departments. Initial meetings on this matter have already occurred.
- *Training and Development of Standards.*
  - Once ICW is fully staff, there will be a focus on obtaining necessary training for all staff members, and the development of internal policies, procedures, and standards to address issues related to the implementation of the Children's Code.

## 161 AGREEMENT NEGOTIATION TEAM

### *Accomplishments*

The OBC reviewed the draft 161 Agreement and on September 13, 2017, the OBC made a motion to accept the update and changes to the draft 161 agreement as information, and directed the negotiating team composed of representatives from the Law Office, Governmental Services, and Intergovernmental Affairs & Communications, to begin negotiations with Outagamie County.

The 161 Agreement Negotiation Team has completed the following in time for the second quarterly report:

- *Outagamie County Negotiations.*
  - There have been approximately five (5) meetings with Outagamie County since the beginning of the year.
  - Collaboration with Outagamie County regarding the memorandum of understanding is nearing completion.
  - Negotiations with Outagamie County regarding the 161 Agreement are ongoing.
  - The next 161 Agreement meeting between the 161 Agreement Negotiation Team and Outagamie County will take place on March 28, 2018. The Wisconsin Department of Health and Human Services Tribal Liaison will attend this meeting to assist with negotiations.

- Thus far, collaboration with Outagamie County has been productive and positive.
- *Brown County Negotiations.*
  - A copy of the proposed 161 Agreement and memorandum of understanding has been provided to Brown County.
  - Discussions and negotiations regarding the matters will be scheduled for the near future.

The largest challenge the 161 Agreement Negotiation Team has faced thus far in the implementation of the Children's Code has been coordinating schedules with officials from Brown County and Outagamie County.

### **Goals**

In accordance with the approved implementation plan, the 161 Agreement Negotiation Team has the following goals for the next quarter:

- *Outagamie County Negotiations.*
  - Successfully negotiate and secure a 161 Agreement and memorandum of understanding with Outagamie County.
- *Brown County Negotiations.*
  - Successfully negotiate and secure a 161 Agreement and memorandum of understanding with Brown County.

## ONEIDA NATION CULTURAL HERITAGE DEPARTMENT

### **Goals**

In accordance with the approved implementation plan, the Oneida Nation Cultural Heritage Department has the following goals for the next quarter:

- *Hire Cultural Wellness Facilitators.*
  - The two (2) cultural wellness facilitator positions are currently scheduled to be reviewed, approved, and posted by the Human Resource Department by the end of April 2018.

### **Requested Action**

Accept the Children's Code Quarterly Update

# April 2018

April 2018

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					

May 2018

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		

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Apr 1 - 7	<b>Apr 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
		9:00am 3:00pm LOC (BC_Conf_Room) - LOC					
Apr 8 - 14	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
Apr 15 - 21	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
		1:30pm 4:30pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	3:00pm 4:30pm LOC Prep (BC_Conf_Room) - LOC  3:00pm 4:30pm LOC Prep (BC_Exec_Conf_Room) - LOC	9:00am 3:00pm LOC (BC_Conf_Room) - LOC			
Apr 22 - 28	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)		9:00am 12:00pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	
Apr 29 - May 5	<b>29</b>	<b>30</b>	<b>May 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

# May 2018

May 2018						June 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Apr 29 - May 5	<b>Apr 29</b>	<b>30</b>	<b>May 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
				9:00am 3:00pm LOC (BC_Conf_Room) - LOC			
May 6 - 12	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
May 13 - 19	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
			3:00pm 4:30pm LOC Prep (BC_Conf_Room) - LOC  3:00pm 4:30pm LOC Prep (BC_Exec_Conf_Room) - LOC	9:00am 3:00pm LOC (BC_Conf_Room) - LOC			
May 20 - 26	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
May 27 - Jun 2	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>Jun 1</b>	<b>2</b>