



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA - REVISED

Business Committee Conference Room-2nd Floor Norbert Hill Center

May 16, 2018 1:30 p.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. May 2, 2018 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 - 1. Personnel Selection Committee By-laws (pg. 5)
 - 2. Comprehensive Policy Governing Boards, Committees and Commissions (pg. 12)
 - 3. Petition: G. Dallas \$5,000.00 Per Capita (pg. 87)
- IV. New Submissions**
 - 1. Petition: Metivier – 2019 Wage Increase (pg. 89)
- V. Additions**
- VI. Administrative Updates**
 - 1. Leasing Rule #2 – Agricultural Leases (pg. 92)
 - 2. Leasing Rule #3 – Commercial Leases (pg. 101)
 - 3. GTC FY18 Semi-Annual Report (pg. 109)
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

May 02, 2018

9:00 a.m.

Present: David P. Jordan, Ernest Stevens III, Jennifer Webster, Kirby Metoxen

Excused: Daniel Guzman King

Others Present: Brandon Wisneski, Clorissa Santiago, Tani Thurner, Jen Falck, Ed Delgado, Maureen Perkins, Rae Skenandore, Lee Cornelius, Robert Collins, Cathy Bachhuber

I. Call to Order and Approval of the Agenda

David P. Jordan called the May 2, 2018 Legislative Operating Committee meeting to order at 9:00 a.m.

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

II. Minutes to be Approved (0:58-1:22)

April 18, 2018 LOC minutes

Motion by Kirby Metoxen to approve the April 18, 2018 LOC minutes and forward them to the OBC for consideration; seconded by Ernie Stevens III; motion carried unanimously.

III. Current Business

1. GTC Meetings Law (1:24-3:05)

Motion by Jennifer Webster to accept the legislative analysis and defer to a work meeting; seconded by Kirby Metoxen. Motion carried unanimously.

2. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (3:05-3:42)

Motion by Ernest Stevens III to accept the legislative analysis and defer to a work meeting; seconded by Jennifer Webster. Motion carried.

3. Internal Audit Amendments (3:43-5:10)

Motion by Jennifer Webster to remove the Internal Audit law amendments from the active files list and forward the memorandum to the Oneida Business Committee Officers; seconded by Ernest Stevens III. Motion carried unanimously.

4. Real Property Amendments (5:11-13:16)

Motion by Jennifer Webster to approve the adoption packet and forward to the Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.



IV. New Submissions

1. **Oneida Personnel Selection Committee Bylaws (13:17 – 33:15)**

Motion by Jennifer Webster to add the Oneida Personnel Selection Committee Bylaws to the active files list with a High Priority with David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

Subsequent motion by Jennifer Webster to defer Oneida Personnel Selection Committee Bylaws to a work meeting; seconded by Kirby Metoxen. Motion carried unanimously.

**For the record Jennifer Webster noted that we appreciate the work that LRO has done on this and the fast turnaround.*

2. **Petition: G. Dallas \$5k Per Capita Payment (33:17- 35:33)**

Motion by Jennifer Webster add Petition: Dallas \$5,000.00 Per Capita Payment to the active files list and assign Jennifer Webster as sponsor with a high priority; seconded by Ernest Stevens III. Motion carried with Kirby Metoxen opposed.

V. Additions

VI. Administrative Updates

1. **Leasing Law Emergency Rule#1 (35:43-40:10)**

Motion by Jennifer Webster to certify and forward to the OBC the Leasing Law Emergency Rule #1 to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

2. **Oneida Personnel Commission Bylaws (40:11-41:08)**

Motion by Jennifer Webster to remove the Oneida Personnel Commission Bylaw amendments from the active files list; Seconded by Kirby Metoxen. Motion carried unanimously.

3. **E-poll: June 18, 2018 GTC Meeting Packet Materials (40:48-41:08)**

Motion by Jennifer Webster to enter the June 18, 2018 GTC Meeting Packet Materials E-poll results the record; seconded by Kirby Metoxen. Motion carried unanimously.

4. **E-poll: Oneida Judiciary Rules of Civil Procedure Emergency Amendments (41:10-41:30)**

Motion by Kirby Metoxen to enter the Oneida Judiciary Rules of Civil Procedure Emergency Amendments E-poll into the record; seconded by Jennifer Webster. Motion carried unanimously.

5. E-poll: Military Service Employee Protection Act Emergency Amendments (41:32-41:52)

Motion by Ernest Stevens III to enter the Military Service Employee Protection Act Emergency Amendments E-poll into the record; seconded by Kirby Metoxen. Motion carried unanimously.

6. E-poll: Oneida Personnel, Policies, and Procedures Emergency Amendments (41:58-42:15)

Motion by Ernest Stevens III to enter the Oneida Personnel, Policies, and Procedures Emergency Amendments E-poll into the record; seconded by Kirby Metoxen. Motion carried unanimously.

7. E-poll: Employee Protection Emergency Amendments (42:17-42:32)

Motion by Kirby Metoxen to enter the Employee Protection Emergency Amendments E-poll into the record; seconded by Ernest Stevens III. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Kirby Metoxen to adjourn the May 2, 2018 Legislative Operating Committee meeting at 9:42 a.m.; seconded by Ernest Stevens III. Motion carried unanimously.



Legislative Operating Committee
May 16, 2018

Personnel Selection Committee By-laws

Submission Date: 05/02/18	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *On April 22, 2018, the OBC adopted Resolution #04-11-18B. This resolution creates the Personnel Selection Committee and directs the LOC to create by-laws for the PSC to be placed on the May 23, 2018 OBC agenda.*

05/02/18 LOC: Oneida Personnel Selection Committee Bylaws

Motion by Jennifer Webster to add the Oneida Personnel Selection Committee By-laws to the active files list with a High Priority with David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

Subsequent motion by Jennifer Webster to defer Oneida Personnel Selection Committee Bylaws to a work meeting; seconded by Kirby Metoxen. Motion carried unanimously.

**For the record Jennifer Webster noted that we appreciate the work that LRO has done on this and the fast turnaround.*

Next Steps:

- Accept the Personnel Commission Bylaws.
- Forward the Personnel Commission Bylaws to the OBC for consideration.

HANDOUT**5/16/18 LOC Meeting****PERSONNEL SELECTION COMMITTEE BY-LAWS****Article I. Authority**

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

1-2 *Establishment.* The entity was created by the Oneida Business Committee by resolution #BC-04-11-18B Creation of the Personnel Selection Committee.

1-3 *Authority.* The Personnel Selection Committee was created by the General Tribal Council to protect against issues of nepotism and enforce Oneida and Indian preference. The Personnel Selection Committee was renamed the Personnel Commission by the Business Committee in 1990 by Resolution #BC-4-13-90-A. In 1993, the Business Committee expanded the Personnel Commission's duties to include hearing authority for employment matters. In 2013, the General Tribal Council adopted the Judiciary Law, and amended the Constitution to adopt Article V- to create an independent Judiciary. In 2013, the General Tribal Council reaffirmed that action.

Since then, the Business Committee has worked to move hearing authorities to the Judiciary- which reflects the GTC action to create a Judiciary Law. In an effort to continue to consolidate hearing authorities, the Business Committee recreated the Personnel Selection Committee- a Committee without hearing authority by Resolution # BC-04-11-18-B.

- (a) The Committee does not:
- (1) have authority to score applicants during the interview process,
 - (2) have hearing body authority,
 - (3) have authority to enter into contracts,
 - (4) have authority to create policy or legislative rules.

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

1-5 *Membership.* The Committee shall:

- (a) Consist of five (5), and not more than eight (8) members.
- (1) Each member shall hold office until his or her term expires, until his or her resignation, or until his or her appointment is terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
- (b) Each Committee member shall be appointed in accordance with the

Comprehensive Policy Governing Boards, Committees and Commissions to serve a three (3) year term. The first term shall be staggered with three (3) members receiving a one (1) year term, three (3) members receiving a two (2) year term and two (2) members receiving a three (3) year term. Each appointment after the initial staggered terms shall receive a three (3) year term.

(c) *Vacancies.*

(1) *Filling of Vacancies.* Vacancies shall be filled in accordance with the Comprehensive Policy Governing Boards, Committees, and Commissions

(2) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Committee.

(A) *Effective Date of Resignation.* A resignation is effective upon acceptance by motion or delivery of notice.

(B) *Filling of Vacancies if Resignation is Deferred.* A vacancy that may occur at a specific later date by reason of resignation may be filled before the vacancy occurs, but the new member may not take office until the vacancy occurs.

(3) *Terms of Replacement Member.* A replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.

(d) *Qualifications.* Committee members shall be appointed by the Oneida Business Committee and shall meet the following qualifications:

(1) An enrolled member of the Oneida Nation.

(2) Be available for meetings and interviews during the work day, evenings and weekends.

(3) Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Tribe, including but not limited to the oath of office, the Oneida Personnel Policies and Procedures, the Code of Ethics, and the Comprehensive Policy Governing Boards, Committees, and Commissions.

(4) A member may not be an employee of the Human Resources Department.

(5) Shall have hiring experience, or an Associate's Degree, or equivalent experience or education.

(e) *Duties and Responsibilities.*

(1) Committee members who are employed by the Nation shall take personal or vacation time for all Committee related activities.

(2) Shall complete HRD's Interview 101 training and any other internal training deemed appropriate by the Oneida Business Committee. All training must be completed before committee members may participate in interviews.

1-6 *Termination.* A member's appointment may be terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.

Article II. Officers

2-1. *Chairperson, Vice-Chairperson and Secretary.* There shall be a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The responsibility, duties and powers of the Chairperson of the Committee are as follows:

- (a) Preside at all meetings of the Committee.
- (b) Shall be an ex officio member of all subcommittees of the Committee, may call emergency meetings, and keep the Committee informed as to the business of the Committee.
- (c) The Chairperson and the Secretary shall submit reports to the Oneida Business Committee for publication in the General Tribal Council annual and semi-annual reports.
- (d) Submit quarterly reports as required by the Comprehensive Policy Governing Boards, Committees and Commissions.
- (e) Forward meeting location, agenda and materials with the assistance of the Secretary.

2-3. *Responsibilities of the Vice-Chairperson.*

- (a) In the absence of the Chairperson, the Vice-Chairperson shall conduct meetings of the Committee.

2-4. *Responsibilities of the Secretary.*

- (a) Secretary Duties. The responsibilities, duties and powers of the Secretary are as follows:
 - (1) Keep minutes of the Committee meetings in an appropriate format.
 - (2) Along with the Chairperson, provide notice of regular and emergency meetings of the Committee.
 - (3) Act as custodian of the records.
 - (4) Attend to all correspondence and present to the Committee all official communications received by the Committee.
 - (5) Along with the Chairperson, submit reports to the Oneida Business Committee for publication in the General Tribal Council annual and semi-annual reports, and submit quarterly reports to the Oneida Business Committee.
 - (6) Work with the Business Committee Support Office to administer the budget.

2-5. *Selection of Officers.* The officers of the Committee shall be appointed by the Committee for a one (1) year term. Officers may hold only one officer position.

- (a) Each officer shall hold his or her office until:
 - (1) the member resigns; or
 - (2) the member has his or her appointment terminated in the manner set out in the Comprehensive Policy Governing Boards, Committees and Commissions.

- (b) A vacancy of any officer shall be filled by the Committee for the unexpired term at the next regular or emergency meeting.

2-6. *No Authorized Personnel.* The Business Committee Support Office shall assist the Committee with administrative duties.

2-7. Officers do not have the authority to take action on the Committee's behalf on their own

Article III. Meetings

3-1. *Regular Meetings.* Regular meetings shall be determined by the Committee. The regular meeting time, place and agenda shall be determined at a regular meeting. If no alternate designation is made by the Committee, the regular meetings shall be the last Tuesday of every month. If the Committee does not have any business to discuss or actions that need to be taken, it is not necessary for the Committee to meet every month. Notice of meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary. Meetings shall be run in accordance with Robert's Rules of Order or another method approved by the Business Committee. Meetings shall comply with the Open Meetings & Open Records Law.

3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues require immediate action. Emergency meetings of the Committee may be called by the Chairperson or upon written request of any two (2) members. The Chairperson shall designate a time and place for holding an emergency meeting.

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

3-3. *Quorum.* A majority of the Committee members shall constitute a quorum for transaction of business, which shall include the Chairperson or Vice-Chairperson.

3-4. *Order of Business.* The regular meetings of the Committee shall follow the order of business as set out herein:

- (a) Call to Order
- (b) Roll Call
- (c) Approving of Previous Meeting Minutes
- (d) Subcommittee Reports
- (e) Old Business
- (f) New Business
- (g) Adjournment

3-5. *Voting.* Voting shall be in accordance with the simple majority vote of the Committee members present at a duly called meeting.

- (a) The Chairperson shall vote only in case of a tie.
- (b) The committee shall decide if electronic voting polls may be used. If the entity decides to use e-polls, it shall use any e-poll procedures adopted by

law.

Article IV. Expectations

- 4-1. *Behavior of Members.* Members are expected to treat each other in accordance with kalihwiyo, "The use of the Good Words about ourselves, our nation and our future." Failure to treat each other with respect shall be cause for termination from the Committee. Appointed members of entities serve at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee.
- 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property during a meeting or when acting in an official capacity are strictly prohibited and grounds for immediate termination of appointment on the Committee and/or the imposition of sanctions and/or penalties according to laws and policies of the Nation.
- 4-3. *Drug and Alcohol Use.* Use of alcohol and illegal drugs by a member of an entity when acting in their official capacity is strictly prohibited.
- 4-4. *Social Media.* Committee members abide by the Nation's Social Media Policy.
- 4-5. *Conflict of Interest.* Committee members shall abide by all laws of the Nation governing conflicts of interest.

Article V. Stipends and Compensation

- 5-1 *Stipends.* Committee members are eligible for the following stipends:
- (a) One (1) monthly meeting stipend
 - (b) One (1) stipend per day for participating in interviews and/or job description pre-screens conducted by the Human Resource Department.
 - (c) Stipends for Judiciary hearings
 - (i) A member of an entity may receive a stipend for attending an Oneida Judiciary hearing if that member is specifically subpoenaed.
 - (d) Required training offered by the Nation as established by the Oneida Business Committee.
- 5-2 *Compensation.* Committee members are not eligible for any other type of compensation.

Article VI. Records and Reporting

- 6-1 *Agenda Items.* Agendas shall be maintained in a consistent format.
- 6-2 *Minutes.* Minutes shall be typed and in a consistent format that generates an informative record of the Committee's meetings. The Business Committee Support Office shall prepare the minutes within thirty (30) days of the Committee's meeting.

231
232 6-3 *Attachments.* Handouts, attachments, memoranda, etc. shall be attached to the
233 corresponding minutes and the agenda Minutes and attachments shall be kept
234 electronically by the Business Committee Support Office.
235

236 6-4 *Oneida Business Committee Liaison.* The Committee shall regularly communicate with
237 the Oneida Business Committee member who is their designated liaison. The frequency
238 and method of communication shall be agreed upon by the Committee and the Liaison.
239

240 6-5 *Audio Recordings.* The Committee shall audio record meetings and submit the
241 recordings to the Business Committee Support Office within two (2) business days.
242

243 **Article VII. Amendments**

244 7-1 *Amendments to By-laws.* Any amendments to bylaws shall conform to the requirements
245 of the Comprehensive Policy Governing Boards, Committees and Commissions and any
246 other policy of the Nation. Amendments to by-laws shall be approved by the Oneida
247 Business Committee prior to implementation.



Legislative Operating Committee
May 16, 2018

Comprehensive Policy Governing Boards, Committees and Commissions Amendments

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

4/2/18 LOC: Motion by Daniel Guzman King to accept the draft of the Comprehensive Policy Governing Boards, Committees, and Commissions amendments and direct that a legislative analysis be completed; seconded by Jennifer Webster Motion Carried unanimously.

- 4/11/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Brooke Doxtator, Tony Doxtator, Stephen Webster, James Sommerfeldt, Jesse Kujawa, Chad Mrotek. The purpose of this work meeting was to discuss the questions and concerns regarding the provision of the law that says an email address must be provided to every BCC member, and discussion on how to implement this matter.
- 4/25/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck. LRO staff met to review and discuss the legislative analysis.
- 5/2/18 LOC:** Motion by Ernest Stevens III to accept the legislative analysis and defer to a work meeting; seconded by Jennifer Webster. Motion carried.
- 5/2/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck, David P. Jordan, Jennifer Webster, Ernest Stevens III. The LOC reviewed the legislative analysis and made policy considerations that the drafting attorney will now incorporate into the draft.

Next Steps:

- Approve the public meeting packet and forward the Comprehensive Policy Governing Boards, Committees, and Commissions amendments to a public meeting to be held on June 21, 2018.
- Forward the Comprehensive Policy Governing Boards, Committees, and Commissions amendments to the Finance Office for a fiscal analysis.

Draft 2 – PM Draft – Redline to Draft 1
2018 05 16

Title 1. Government and Finances – Chapter 105
BOARDS, COMMITTEES AND COMMISSIONS
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105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
105.3. Definitions
105.4. Creation of an Entity
105.5. Applications
105.6. Vacancies
105.7. Appointment to an Entity
105.8. Election to an Entity
105.9. Oath of Office

105.10. Bylaws
105.11. ~~Electronic Polling~~ Reporting Requirements
105.12. Reporting Requirements
105.13. Stipends, Reimbursement and Compensation
105.14. Confidential Information
105.15. Conflicts of Interest
105.16. Use of the Nation's Assets
105.17. Dissolution of an Entity
105.18. Enforcement

105.1. Purpose and Policy

105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions.

(a) This law ~~does~~shall not apply to the Oneida Business Committee, ~~or~~.

(b) This law shall apply to the Standing Committees of the Oneida Business Committee where applicable including, but not limited to, the Legislative Operating Committee, Finance Committee, Audit Committee, Quality of Life Committee, and Community Development Planning Committee.

(c) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

105.2. Adoption, Amendment, Repeal

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-__-__-__.

105.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. 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.

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

105.3. Definitions

Draft 2 – PM Draft – Redline to Draft 1
2018 05 16

105.3-1. 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) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

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

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

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

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

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

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

(i) "E-poll" means an electronic poll, which is the act of delivering an email to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(j) "Nation" means the Oneida Nation.

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

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

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

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

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

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

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

105.4. Creation of an Entity

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

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

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

105.5. Applications

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

(a) All applications shall include ~~a statement explaining the attendance requirements of section 105.11-3;~~

(1) a statement explaining the attendance requirements of section 105.12-3; and

(2) a section regarding disclosures of conflicts of interest.

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

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

105.5-3. ~~At the completion of~~ Five (5) days after the posted deadline for filing applications the Business Committee Support Office shall notify all persons who have filed an application of the date his or her application was received and if his or her application met the deadline to be considered for the election or appointment.

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

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

- (a) include within the pool of appointed persons late applications, or
- (b) repost for an additional time period. In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

105.6. Vacancies

105.6-1. The manner by which an individual fills a vacancy, either through election or appointment, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws. Unless, a law of the Nation indicates that removal of an official shall be done pursuant to the Removal law, an appointed individual may have his or her appointment terminated by the Oneida Business Committee.

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

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

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

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

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

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

- (1) Deliverance of a letter to the Business Committee Support Office;
 - (A) Upon receipt of resignation, the Business Committee Support Office will notify the entity of the resignation;
 - (2) Deliverance of a letter to the Chairperson of the entity, or designee, or
 - (3) Acceptance by motion of the entity of a verbal resignation.

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

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

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

- (a) *End of Term*. Automatically thirty (30) days prior to completion of the term.
- (b) *Removal*. No later than the first Oneida Business Committee meeting following the effective date of the removal.
- (c) *Resignation*. No later than the first Oneida Business Committee meeting following the Secretary's receipt of notice of an effective resignation from the entity.

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

- (1) if not specified, immediately upon creation of entity or adoption of bylaws, whichever is later, or
- (2) upon date specified when creating the entity.

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

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

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~~meeting. 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

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(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 final status of their application.

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

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

105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

(1) Delivery of an letter stating that the individual wishes to decline the appointment to the Business Committee Support Office; or

(2) The failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee.

(b) The Business Committee Support Office shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

105.7-4. *Termination of Appointment.* Appointed members of entities serve at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee ~~by a two-thirds majority vote of the Oneida Business Committee.~~

(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.

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

105.8 Election to an Entity

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

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

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

105.9. Oath of Office

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

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

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

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

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

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

105.10. Bylaws

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

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

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adoption of this law.

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

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

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

(a) Article I. Authority.

(b) Article II. Officers.

(c) Article III. Meetings.

(d) Article IV. Expectations.

(e) Article V. Stipends and Compensation.

(f) Article VI. Records and Reporting.

(g) Article VII. Amendments.

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

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

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

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

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

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

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

(A) Number of members on the entity;

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

(C) How vacancies are filled; and

(D) Qualifications for membership on the entity.

(6) *Termination or Removal.* This section shall identify causes for termination or removal, if any, in addition to those already identified in laws and/or policies of the Nation.

(7) *Trainings and Conferences.* This section shall describe any trainings and/or conferences that the entity deems necessary for members to responsibly serve the entity, if any.

(b) "Article II. Officers" shall consist of the following:

(1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and vice-chairperson positions of the entity. Other officer positions may also be created here.

(2) *Responsibilities of the Chairperson.* Because of the importance of this position, all duties and responsibilities of the chairperson, as well as limitations of the chairperson shall be specifically listed here.

(3) *Responsibilities of the Vice-Chairperson.* Because of the importance of this position, all duties and responsibilities of the vice-chairperson, as well as limitations of the vice-chairperson shall be specifically listed here.

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(4) *Responsibilities of Additional Officers.* There may be additional sections as needed for every officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) *Selection of Officers.* This section shall identify how a member of the entity shall be selected for an official officer position in the entity.

(6) *Budgetary ~~and Travel~~ Sign-Off Authority and Travel.* This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and ~~which members have the authority to sign-off on~~ how the entity shall handle approving travel on behalf of the entity.

(A) ~~The~~ An entity shall follow the Nation's ~~Purchasing Department shall confirm each position within the entity that has been designated as having policies and procedures regarding purchasing and~~ sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) *Personnel.* This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" shall consist of the following:

(1) *Regular meetings.* This section shall identify when and where regular meetings shall be held, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(2) *Emergency meetings.* This section shall identify what constitutes an emergency meeting, how emergency meetings shall be called, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular or special meeting.

~~(3) *Special meetings.* This section shall identify what constitutes a special meeting, how special meetings shall be called and how the entity shall provide notice of the special meeting.~~

~~(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after a special meeting, the entity shall provide the Nation's Secretary with notice of the meeting, the reason for the special meeting, and an explanation of why the matter could not wait for a regular meeting.~~

~~(4)~~ (3) *Quorum.* This section shall identify how many members of an entity create a quorum.

~~(5)~~ (4) *Order of Business.* This section sets out how the agenda will be set up.

~~(6)~~ (5) *Voting.* This section shall identify voting requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote; ~~and~~

(C) if the use of an electronic polling process e-poll is permissible; and
 (D) if the use of and e-poll is permissible, who will serve as the
Chairperson's designee for the responsibility of conducting an e-poll, if a
designee is utilized.

(d) "Article IV. Expectations" shall consist of the following information:

(1) *Behavior of Members.* This section shall identify the behavioral expectations and requirements of a member of the entity, and identify how the entity shall enforce these behavioral expectations.

(2) *Prohibition of Violence.* This section shall prohibit any violent intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.

(3) *Drug and Alcohol Use.* This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.

(4) *Social Media.* This section shall identify expectations for the use of social media in regards to official business of the entity.

(5) *Conflict of Interest.* This section shall state any standards and expectations additional to those required by law of the Nation in regards to conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.

(e) "Article V. Stipends and Compensation" shall consist of the following information:

(1) *Stipends.* This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any in addition to those contained in this law.

(2) *Compensation.* This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any in addition to those contained in this law.

(f) "Article VI. Records and Reporting" shall consist of the following information:

(1) *Agenda Items.* Agenda items shall be maintained in a consistent format as identified by this section.

(2) *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the Business Committee Support Office.

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

(4) *Oneida Business Committee Liaison.* Entities shall regularly communicate with the Oneida Business Committee member who is their designated liaison. This section shall identify a format and frequency for communication which may

be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. The purpose of the liaison relationship is to uphold the ability of the liaison to act as a support to that entity.

(5) *Audio Recordings.* An entity shall audio record all meetings. This section shall state ~~whether or not~~how the entity ~~is required to~~will audio record meetings, and how the entity shall maintain the audio records.

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

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

105.11. ~~Reporting Requirements~~Electronic Polling

~~105.11-1.~~105.11-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.11-2. Conducting an E-Poll. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official email address of the entity. The e-poll's message shall include the following information:

(a) The email subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.

(b) The body of the e-poll shall contain the following elements:

(1) An executive summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity;

(2) A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action;"

(3) All attachments in *.pdf format, which are necessary to understand the request being made; and

(4) A deadline date for a response to be returned regarding the results of the electronic poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response."

(A) E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

(B) The time frame for responses shall be determined by the Secretary of the entity, or designee, based on urgency, scheduling, and any other pertinent factors.

105.11-3. Response to an E-Poll. A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and his or her response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a vote.

105.12. Reporting Requirements

105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office within a reasonable time after approval by the entity, as identified in the entity's bylaws.

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

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

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

105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an entity shall be submitted to the Business Committee Support Office, where they shall be kept on file.

105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly reports to the Oneida Business Committee in accordance with the quarterly reporting schedule approved by the Oneida Business Committee. All quarterly reports shall be approved by official entity action before they are submitted. The quarterly reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

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

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

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

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

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

staff.

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

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

~~(f) *Requests*. Details of any requests to the Oneida Business Committee.~~

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

105.~~11~~12-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall provide annual reports to the Oneida General Tribal Council based on their activities during the previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee.

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

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

105.~~11~~12-5. Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

105.~~12~~13. Stipends, Reimbursement and Compensation

105.~~12~~13-1. The Nation recognizes that an individual serving on an entity of the Nation, whether elected or appointed, incurs some expense as a result of his or her position on the entity. Therefore, the Nation, in order to attract individuals to serve on entities, shall pay stipends to these members in accordance with this section.

105.~~12~~13-2. Compensation and reimbursement for expenses shall follow the procedures as set out in this section and according to procedures for payment as set out by the Nation, unless otherwise declined by the entity through its bylaws, or declined by a member.

105.~~12~~13-3. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending the resolution.

105.~~12~~13-4. *Meeting Stipends*. A member of an entity, whether elected or appointed, shall only receive a meeting stipend for a meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

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

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

105.~~12~~13-5. *Oneida Judiciary Hearings*. ~~Any~~A member of an entity may receive a Judiciary hearing stipend if the member's attendance at the Judiciary hearing is required by official

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subpoena. ~~Only one (1) member of an entity may receive a hearing stipend if the member's attendance at a hearing before the Oneida Judiciary directly involving the entity is at the discretion of the entity.~~

105.1213-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of all functions related to the resolution of the matter notwithstanding the amount of time it takes to resolve the matter, including, but not limited to, any continuations of the hearing and decision drafting.

105.1213-7. *Oneida Business Committee Meetings.* Up to two (2) members of an entity that attend the Oneida Business Committee meeting where the quarterly report of the entity is an agenda item, and present the quarterly report are eligible to receive a stipend.

105.1213-8. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any other stipends are appropriate to compensate members of entities for their official actions. All possible stipends shall be included in the Oneida Business Committee resolution which sets stipend amounts.

105.1213-9. *Conferences and Training.* A member of any entity, elected or appointed, shall be reimbursed in accordance with the Nation's policy for travel and per diem, for attending a conference or training. Provided that:

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

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

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

105.1213-10. *Business Expenses.* All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

105.1213-11. *Task Force and Ad Hoc Subcommittees.* Members of task force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.1314. Confidential Information

105.1314-1. All members of an entity shall maintain in a confidential manner all information obtained through their position on the entity. The Nation requires that all members of an entity who have access to the Nation's confidential information be subject to specific limitations in order to protect the interest of the Nation and ensure that no persons engaged in by the Nation, nor their relatives or associates, benefit from the use of confidential information.

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

(b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of

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such information. Such restriction continues after termination of the relationship with the Nation and the entity.

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

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

105.13-2.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and can only be removed or destroyed by approval from a majority vote of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Nation's laws and policies regarding open records and open meetings.

105.14-3. Official Oneida Nation E-mail Address. Each member of an entity shall be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.

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

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

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

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

105.1415. Conflicts of Interest

105.1415-1. All members of an entity are required to adhere to the Nation's laws and policies governing conflicts of interest.

105.1415-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as soon as the conflict arises, ~~and keep an updated~~ update a conflict of interest disclosure form with the Nation's Secretary on an annual basis.

(a) Upon receiving information of a potential conflict of interest, the Nation's Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Nation regarding the status of the official.

105.1415-3. Due to the potential for a real or perceived conflict of interest to exist, political appointees and legislative assistants shall not serve on an appointed or elected entity.

105.1516. Use of the Nation's Assets

105.1516-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with Generally Accepted Accounting Principles.

105.1516-2. Each member of an entity shall comply with the system of internal accounting controls sufficient to provide assurances that:

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- (a) all transactions are executed in accordance with management's authorization; and
- (b) access to assets is permitted only in accordance with management's authorization; and
- (c) all transactions are recorded to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles or other applicable criteria.

105.1516-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall be immediately reported to the Internal Audit department. If the Internal Audit department finds evidence of noncompliance they shall notify the Oneida Law Office, who will then make a determination of further action to be taken, if any.

105.1617. Dissolution of an Entity

105.1617-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Business Committee Support Office for proper disposal within two (2) weeks of the dissolution.

105.1617-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee. The General Tribal Council shall have the authority to dissolve an entity created by the General Tribal Council or the Oneida Business Committee, and the Oneida Business Committee shall have the authority to dissolve an entity created by the Oneida Business Committee.

105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee shall provide the entity written notice of the dissolution.

105.16-317-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved entities shall be responsible for closing out open business of the entity and forwarding all materials and records to the Business Committee Support Office for proper storage and disposal within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee Support Office may utilize the assistance of the Records Management Department and/or any other appropriate department for the storage and disposal of the records and materials.

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

105.1718. Enforcement

105.1718-1. Any member of an entity found to be in violation of this law may be subject to:

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

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

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704 *End.*

~~705~~

707

708 Adopted - BC-08-02-95-A

709 Amended - BC-05-14-97-F

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

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

712 Amended – BC-09-22-10-C

713 Amended – BC-

714

715

NOTICE OF
PUBLIC MEETING

TO BE HELD
Thursday, June 21, 2018 at 12:15 p.m.
 IN THE
OBC CONFERENCE ROOM
(2nd FLOOR—NORBERT HILL CENTER)

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

**TOPIC: AMENDMENTS TO THE COMPREHENSIVE
 POLICY GOVERNING BOARDS, COMMITTEES AND
 COMMISSIONS**

This is a proposal to amend and update the existing Comprehensive Policy Governing Boards, Committees, and Commissions. This law governs boards, committees, and commissions of the Nation and includes procedures regarding:

- ◆ Creation of a board, committee, or commission [1 O.C. 105.4];
- ◆ Applications and vacancies [1 O.C. 105.5 and 105.6];
- ◆ Appointment or election to a board, committee, or commission [1 O.C. 105.7 and 105.8];
- ◆ Oath of office and the requirements for bylaws [1 O.C. 105.9 and 105.10];
- ◆ Electronic polling and reporting requirements [1 O.C. 105.11 and 105.12];
- ◆ Stipends and compensation [1 O.C. 105.13];
- ◆ Confidential information, conflicts of interest, and use of the Nation's assets [1 O.C. 105.14, 105.15 and 105.16];
- ◆ Dissolution of a board, committee, or commission [1 O.C. 105.17]; and
- ◆ Enforcement [1 O.C. 105.18].

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

**PUBLIC COMMENT PERIOD
 OPEN UNTIL
 THURSDAY, JUNE 28, 2018**

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

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



Amendments to Comprehensive Policy on Boards, Committees and Commissions Legislative Analysis

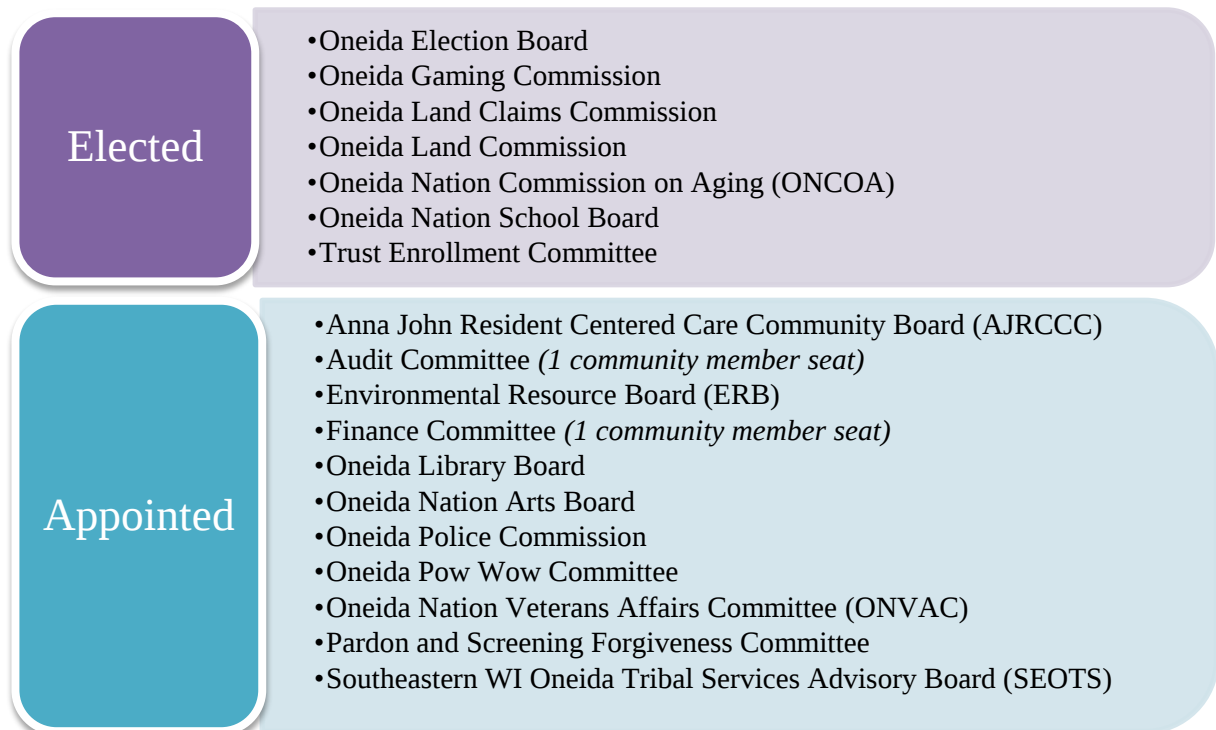
SECTION 1. BACKGROUND

REQUESTER: LOC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	When added to the Active Files list in 2013, the original intent of the amendments was to prohibit individuals from serving on multiple boards, committees and commission at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions. Over time, the intent has changed. The current intent of the amendments is to update requirements for bylaws, reporting, and stipends, among other changes.		
Purpose	To govern the procedures regarding boards, committees and commissions of the Nation, including appointment and election, creation of bylaws, maintenance of official records, and compensation. <i>[see Boards, Committees and Commissions, 1 O.C. 105.1-1]</i>		
Affected Entities	Anyone serving on a Board, Committee or Commission of the Nation. Anyone applying to serve on a Board, Committee, or Commission of the Nation. Standing Committees of the Nation. Political appointees, such as legislative assistants. This law references the duties of the Business Committee Support Office, the Nation's Secretary, the Nation's Chairperson, the Oneida Election Board, Management Information Service (MIS) Department, and Records Management Department. This law does not apply to the Oneida Business Committee or Tribal corporations.		
Affected Legislation	Election law, Removal law, Conflict of Interest law, Code of Ethics, Computer Resources Ordinance, Social Media Policy, Travel and Expense Policy, Oneida Nation Gaming Ordinance, and bylaws of all boards, committees and commissions of the Nation.		
Enforcement/Due Process	A member of an entity that violates this law may be subject to sanctions and penalties in accordance with any laws and policies of the Nation governing sanctions and penalties. A member of an elected entity may be subject to removal pursuant to the Removal Law. A member of an appointed entity may be subject to termination of appointment by the Oneida Business Committee. <i>[see Boards, Committees and Commissions, 1 O.C. 105.17]</i>		
Public Meeting	A public meeting has not yet been held.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. These amendments set new standards for entity bylaws, update reporting requirements, update the appointment process to increase feedback from entities and BC members, set a procedure for the creation of new entities, create a standard e-poll process, provide official email addresses for members of entities, and set a new procedure to set stipend amounts by resolution, among other changes.
- B. The following chart lists the Boards, Committees and Commissions of the Nation that are governed by this law:

10 **Chart 1. Boards, Committees and Commissions of the Oneida Nation**



11
12 C. The following chart lists the Standing Committees of the Oneida Business Committee that are
13 governed by this law, where applicable.

14
15 **Chart 2. Standing Committees of the Oneida Nation**



16
17 **SECTION 3. CONSULTATION**

- 18 A. The Business Committee Support Office, Records Management, MIS and representatives from the
19 following Boards, Committees and Commissions were consulted in the development of this law:
20 Environmental Resource Board, Police Commission, Oneida Nation Commission on Aging, Oneida
21 Nation School Board, Oneida Election Board, Oneida Land Claims Commission, Trust Enrollment
22 Committee, Oneida Veterans Affairs Committee, Gaming Commission, Pow-wow Committee, Land
23 Commission, Oneida Library Board. All boards, committees and commissions were invited to
24 participate in two work meetings scheduled outside of normal business hours to meet their needs.
- 25 B. The Election Law, Removal Law, Conflict of Interest Law, Code of Ethics, Computer Resources
26 Ordinance, Social Media Policy, Travel and Expense Policy, and Oneida Nation Gaming Ordinance
27 were reviewed in drafting this analysis. In addition, the following bylaws were reviewed: Oneida

Election Board, Oneida Land Claims Commission, Oneida Land Commission, ONCOA, Oneida Nation School Board, Trust Enrollment Committee, Anna John Resident Centered Care Community Board, Finance Committee, Arts Board, Audit Committee, Environmental Resource Board, Oneida Library Board, ONVAC, Pardon and Forgiveness Screening Committee, Police Commission, Pow-wow Committee and Southern WI Oneida Tribal Services Advisory Board (SEOTS).

SECTION 4. PROCESS

- A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- B. The law was originally added to the Active Files List on April 3, 2013 and has been carried over from the previous two terms. The law was re-added to the Active Files List on September 17, 2014 and again on September 6, 2017.
- C. At the time this legislative analysis was developed, the following work meetings were held/scheduled regarding the most recent efforts to develop this law and legislative analysis:
- September 6, 2017: LOC
 - September 21, 2017: LOC, BC Support Office, and representatives from the following Boards, Committees and Commissions: Election Board, Environmental Resource Board, Land Claims Commission, Police Commission, ONCOA, and Trust Enrollment. In addition, the Oneida Nation School Board submitted written comments.
 - October 2, 2017: BC Support Office
 - October 27, 2017: LOC
 - February 2, 2018: LOC
 - February 22, 2018: LOC, BC Support Office, and representatives from the following Boards, Committees and Commissions: Election Board, Gaming Commission, Land Commission, Library Board, ONCOA, ONVAC, Police Commission, Pow-wow Committee, and Trust Enrollment. In addition, Environmental Resource Board submitted written comments.
 - March 2, 2018: LOC
 - March 21, 2018: BC Support Office and Oneida Management Information Services (MIS)
 - April 11, 2018: BC Support Office and MIS
 - May 2, 2018: LOC

SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Title.** The title of the law has been changed from “Comprehensive Policy on Boards, Committees and Commissions” to “Boards, Committees and Commissions.”
- B. **Creation of an Entity.** This new provision outlines a standard procedure for the creation a board, committee or commission. Boards, committees or commissions must be created by adoption of a law or resolution by the Oneida Business Committee (OBC) or General Tribal Council (GTC). The law or resolution must include the purpose, powers and responsibilities of the entity. The Oneida Business Committee is responsible for drafting the initial bylaws of the new entity [*see Boards, Committees and Commissions, 1 O.C. 105.4*].
- C. **Applications.** The application form to serve on a board, committee or commission must be approved by the Oneida Business Committee. The application form must include a conflict of interest disclosure. A statement has been added to the application form explaining attendance requirements. Application materials will be made available in the Business Committee (BC) Support Office.

- 71 ▪ *Background Investigation Application.* For entities that require a background check, an additional
72 application form will now be required. This background application form will include social
73 security number and any other information required to conduct a background investigation. The
74 background investigation application will not be shared with the Oneida Business Committee,
75 entity or Election Board. The intent is to keep this personal information separate from the main
76 application materials. Currently, only Oneida Gaming Commission and Oneida Police
77 Commission require background checks [see *Boards, Committees and Commissions, 1 O.C.*
78 *105.5-1(b)*].
- 79 ▪ Completed applications must be submitted by 4:30 p.m. on the deadline date. Applications may
80 be mailed as long as they are postmarked by the deadline date and received by the Business
81 Committee Support Office within 5 business days of the deadline [see *Boards, Committees and*
82 *Commissions, 1 O.C. 105.5-2*].

83 **D. Vacancies.** This section describes the process for filling vacancies.

- 84 ▪ *Appointments to Fill Vacancies on Elected Entities.* Individuals appointed to fill a vacancy on an
85 elected entity will be considered an appointed official for the purposes of this law. This means
86 that the appointed official may have their appointment terminated by the OBC, regardless of
87 whether they serve on an elected board, unless another law of the Nation states that removal from
88 that board may only be done by the Removal Law [see *Boards, Committees and Commissions, 1*
89 *O.C. 105.6-1*].
 - 90 ○ For example, the Oneida Nation Gaming Ordinance states that Gaming Commissioners
91 may only be removed via the Removal Law [see *Oneida Nation Gaming Ordinance, 5*
92 *O.C.501.6-12*]. Similarly, the Election Law states that members of the Election Board
93 may only be removed via the Removal Law [see *Election Board 1 O.C. 102.4-4*].
- 94 ▪ *Serve until Successor Appointed.* A new provision was added to allow members to remain in
95 office until their successor has been sworn in. This provision was added to ensure that entities can
96 still maintain a quorum while they wait for new appointments to be processed [see *Boards,*
97 *Committees and Commissions, 1 O.C. 105.6-2(a)(1)*].
- 98 ▪ *Resignations.* In addition to submitting resignations to the entity's chairperson or verbally at an
99 official meeting, members will now have the option of submitting their resignation letter to the
100 Business Committee (BC) Support Office instead. This option was added for convenience, since
101 certain entities meet only once per month, while the BC Support Office is open during the
102 Nation's regular business hours. The resignation will be effective upon receipt by the BC Support
103 Office. [see *Boards, Committees and Commissions 1 O.C. 105.6-2(d)*]
- 104 ▪ Entities must notify the Secretary's Office of vacancies as soon as they learn the position will
105 become vacant [see *Boards, Committees and Commissions, 1 O.C. 105.6-3*]. This section also
106 specifies when the Secretary must post notice of vacancies [see *Boards, Committees and*
107 *Commissions, 1 O.C. 105.6-4*]. Notice of vacancies will be posted by the BC Support Office in all
108 official media outlets of the Nation, as determined by the Oneida Business Committee. [see
109 *Boards, Committees and Commissions, 1 O.C. 105.6-5*].

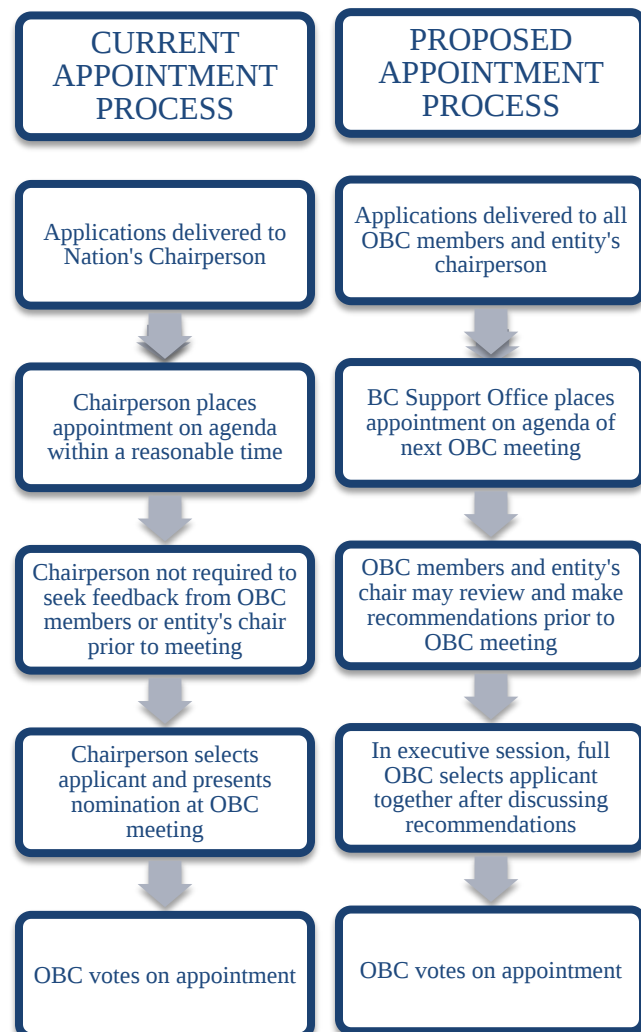
110 **E. Appointment to an Entity.** This section describes the process for appointment to an entity.

- 111 ▪ *Current Process.* Under current law, all applications are delivered to the Nation's chairperson.

The chairperson selects an applicant “within a reasonable time” and the appointment is voted on by the Oneida Business Committee. Currently, the chairperson is under no obligation to consult with OBC members prior to making an appointment, and there is no timetable for when the appointment must be made.

- *Proposed Process.* In this law, the appointment process has been modified to provide individual OBC members and the entity’s chairperson an opportunity to review applications and offer recommendations. In addition, this law requires BC Support Office to place appointments on the agenda for the next BC meeting, to ensure a speedier appointment process. During executive session of the next BC meeting, all OBC members will have an opportunity to discuss the applicants and select an appointee by consensus [see *Boards, Committees and Commissions, 1 O.C. 105.7-1*].
- *Notification of an Appointment.* After an appointment is approved by the Business Committee, the Nation’s Chairperson will notify the Secretary of the appointment. The Secretary will then notify the applicant [see *Boards, Committees and Commissions, 1 O.C. 105.7-2*].
- *Declination of Appointment.* This new provision describes how an individual can decline their appointment prior to taking the oath of office. Individuals may decline their appointment by delivering a letter to the BC Support Office. In addition, failure to take the oath of office within 30 days of appointment will also be considered declining the appointment. Oaths of office are administered during OBC meetings, which are held twice monthly. Therefore, appointees will have at least two opportunities to take the oath. In addition, a new provision has been added later in this law to allow for oath of office by video conference. If an individual declines their appointment, the OBC will select another applicant from the original posting rather than re-post the vacancy [see *Boards, Committees and Commissions, 1 O.C. 105.7-3*].
- *Termination of Appointment.* Appointed members, including individuals appointed to fill vacancies on elected entities, may have their appointment terminated by a 2/3 majority vote of the BC. Termination of appointment is final and cannot be appealed [see *Boards, Committees and Commissions, 1 O.C. 105.7-4*].

Chart 3. Comparison of Appointment Process



- 156 **F. *Election to an Entity.*** Candidates for an elected entity must be nominated at a caucus or petition to
157 be placed on the ballot. Vacancies may be filled by appointment, per each entity’s bylaws. The
158 election process is governed by the Election Law [See *Boards, Committees and Commissions, 1 O.C.*
159 *105.8*]
- 160 **G. *Oath of Office.*** This section lists the oath of office and the procedure for changing the oath.
- 161 ■ *Revised Oath.* Minor revisions have been made to the wording of the oath to reflect the change
162 from Oneida Tribe to Oneida Nation and to make it easier to recite. Specifically, “and with the
163 strictest confidentiality” has been changed to “and will strictly maintain confidential
164 information.”
 - 165 ■ *Video Conference.* A provision has been added that allows members to take their oath by video
166 conference with permission of the Secretary. Members of the SEOTS Board, who reside in the
167 Milwaukee area, are an example of members who may benefit from this provision.
 - 168 ■ *Electronic Copies.* The BC Support Office may now store electronic copies of the signed oath,
169 rather than keep original paper copies [See *Boards, Committees and Commissions, 1 O.C. 105.9*]
- 170 **H. *Bylaws.*** Bylaws are the documents that provide a framework for the operation and management of an
171 entity. This law outlines the format that entities must follow for developing their bylaws. Bylaws
172 must be organized in the following manner:
- 173 ■ *Article I: Authority.* This section includes the following new provisions: Establishment, which
174 cites the law or resolution that established the entity. Authority, which will state the purpose of
175 the entity and the authority delegated to the entity. Termination or Removal, which identifies
176 causes for termination or removal from the entity. Trainings and Conferences, which describes
177 trainings and/or conferences the entity deems necessary for service on the entity [See *Boards,*
178 *Committees and Commissions, 1 O.C. 105.10-3(a)*].
 - 179 ■ *Article II: Officers.* This section lists the duties and responsibilities of the entity’s chairperson,
180 vice chairperson, and any additional officers. It also describes the procedure for selecting officers
181 and whether the entity has the authority to hire personnel. A new provision on budgetary and
182 travel sign-off authority has been added to identify which members of the entity have sign-off
183 authority on behalf of the entity. All travel requests must be approved by majority vote during a
184 meeting of the entity [See *Boards, Committees and Commissions, 1 O.C. 105.10-3(b)*].
 - 185 ■ *Article III: Meetings.* This section identifies when and where regular and emergency meetings
186 will be held and how meetings will be noticed [See *Boards, Committees and Commissions, 1*
187 *O.C. 105.10-3(c)*].
 - 188 ○ *Justification for Emergency Meetings.* Within 72 hours of a special or emergency
189 meeting, the entity must provide the Nation’s Secretary with notice of the meeting, the
190 reason for the meeting, and an explanation for why the matter could not wait for a regular
191 meeting. This is a new provision.
 - 192 ○ *Voting and E-Poll.* The Voting section has been revised to include whether the entity will
193 allow e-polls and under what circumstances the entity’s chairperson is allowed to vote.
 - 194 ■ *Article IV: Expectations.* This is a new section which sets expectations for behavior of members
195 of an entity. Entities must prohibit violence and the use of alcohol and illegal drugs when acting
196 in official capacity. Entities must also list expectations regarding how official business of the
197 entity may be posted on social media. A conflict of interest section has also been added, which
198 lists any additional conflict of interests that may be unique to that entity. This section will also

describe how conflicts of interest will be handled and mitigated [*See Boards, Committees and Commissions, 1 O.C. 105.10-3(d)*].

- *Article V: Stipends and Compensation.* This new section will list all of the stipends members are eligible to receive and the requirements for collecting each stipend [*See Boards, Committees and Commissions, 1 O.C. 105.10-3(e)*].

- *Article VI: Records and Reporting.* This section describes the procedure and format for agenda items, meeting minutes, attachments and relationship with OBC Liaison. New revisions to this section include identifying a reasonable timeframe that the entity will submit minutes to BC Support Office, and identifying how records of meeting attachments will be kept [*See Boards, Committees and Commissions, 1 O.C. 105.10-3(f)*].

- *Audio Recording Requirement.* All entities will now be required to audio record their meetings.

- *Article VII: Amendments.* This section describes how entities may revise their bylaws, with the approval of Oneida Business Committee or General Tribal Council [*See Boards, Committees and Commissions, 1 O.C. 105.10-3(g)*].

- I. ***Electronic Polling.*** This new provision outlines the process for conducting an electronic poll, or “e-poll.” Entities may use e-polls if approval of an action is needed before their next meeting.

- *E-Poll Process.* E-polls must be sent from an official email address of the entity by the chair or designee, include a deadline for response of no greater than 24 hours, and follow the formatting requirements described in this section. Members will vote by responding to the e-poll from an official address of the entity. Responses from personal email addresses will not be accepted. In order for an e-poll to be valid, a majority of the members of the entity must respond to the e-poll. This is similar to requiring a quorum for an in-person meeting. If a majority of those who respond vote in support of the e-poll, then the action will be approved. Copies of all e-poll results must be placed on the entity’s next meeting agenda to be entered into the record [*see Boards, Committees and Commissions, 1 O.C. 105.11*].

- J. ***Reporting Requirements.*** This law describes reporting requirements for minutes, standard operating procedures and reports to the Oneida Business Committee and General Tribal Council. Several new provisions have been added:

- *Minutes.* Actions taken by an entity are valid once the action has been approved by a vote. For example, if an entity passes a motion, that motion is valid immediately. Entities have the option of adding a requirement to their bylaws that minutes must be approved before the actions become valid [*See Boards, Committees and Commissions, 1 O.C. 105.12-1*].

- *Standard Operating Procedures.* Entities will now be required to submit all standard operating procedures to the BC Support office to be kept on file.

- *Quarterly Reports to Oneida Business Committee.* Entities must submit quarterly reports to the Oneida Business Committee. At least one member of each entity must attend the BC Meeting where their quarterly report is being presented. Quarterly reports will contain the following information: Contact information, number and type of meetings, the topics of any emergency or special meetings, accomplishments, goals, budget status, requests to the Business Committee and any other information deemed appropriate by the entity [*See Boards, Committees and Commissions, 1 O.C. 105.12-3*].

- *Annual and Semi-Annual Reports to GTC.* Entities must submit annual and semi-annual reports to the General Tribal Council. The Business Committee will set the format for these reports.

- 243 o *Complaints.* New provisions were added that require entities to include the number of
244 substantiated complaints in their annual and semi-annual reports. A substantiated
245 complaint is a complaint that has been found valid by the BC or Judiciary. The proposed
246 Sanctions and Penalties law will set a standard procedure for complaints.
- 247 ▪ *Failure to Submit Reports.* A new provision was added specifying that if an entity does not
248 submit reports on time, OBC may place a hold on all stipends for that entity until the reports are
249 received [*See Boards, Committees and Commissions, 1 O.C. 105.12-5*].
- 250 **K. *Stipends, Reimbursement and Compensation.*** This law describes the procedures for how stipends
251 will be paid for meetings, hearings, and other expenses. The Oneida Business Committee will set
252 stipend amounts by resolution, and may adjust those amounts by amending the resolution. At the time
253 this analysis was written, the LOC plans to draft a resolution setting stipend amounts and include the
254 resolution in the adoption packet for this law.
- 255 ▪ *Requirements for Meeting Stipend.* In order to receive a stipend, meetings must have an
256 established quorum and last at least one hour. In addition, there is a new requirement that
257 members must be physically present for the entire meeting to earn the stipend. If members arrive
258 late or leave early, they will not earn a stipend.
- 259 o *Appointed Members:* Appointed members may only receive one meeting stipend per
260 month, regardless of the number of meetings held. This is consistent with current law
261 [*See Boards, Committees and Commissions, 1 O.C. 105.13-4(a)*].
- 262 o *Elected Members:* Elected members may receive stipends for any number of meetings, so
263 long as the meetings meet the requirements for a stipend. This is consistent with current
264 law [*See Boards, Committees and Commissions, 1 O.C. 105.13-4(b)*].
- 265 ▪ *Stipends for Oneida Judiciary Hearings.* A member of an entity may receive a stipend for
266 attending an Oneida Judiciary hearing if that member is required to attend by subpoena [*See*
267 *Boards, Committees and Commissions, 1 O.C. 105.13-5*].
- 268 ▪ *Hearings of an Entity:* Members may receive stipends for conducting hearings administered by
269 the entity. Entities may only receive one stipend for each hearing, regardless of the length of the
270 hearing. Members may not receive additional stipends for continuations of a hearing or to draft
271 decisions [*See Boards, Committees and Commissions, 1 O.C. 105.13-6*].
- 272 o *Boards with Hearing Authority:* The following entities currently exercise hearing
273 authority: Election Board, Police Commission, School Board, Trust Enrollment
274 Committee, Pardon and Forgiveness Screening Committee, and Gaming Commission.
275 Environmental Resource Board and Land Commission have transferred hearing body
276 authority to the Judiciary.
- 277 ▪ *Oneida Business Committee Meetings.* Up to two members of an entity may receive stipends for
278 presenting their entity's quarterly report at an Oneida Business Committee Meeting. Their report
279 must be on the agenda to receive a stipend for the meeting [*See Boards, Committees and*
280 *Commissions, 1 O.C. 105.13-7*].
- 281 ▪ *Other Stipends:* Stipends for any other activity will be set by the OBC in a resolution setting
282 stipend amounts. Currently, examples of such activities include Pow-wow committee working at
283 Pow-wows and Election Board conducting elections or conducting hand counts at GTC [*See*
284 *Boards, Committees and Commissions, 1 O.C. 105.13-8*].
- 285 ▪ *Conferences and Training:* Members will receive stipends for attending conferences and training.
286 Members will receive stipends for each full day of training required by law, bylaw or resolution.

Members will not receive stipends for travel days. In addition, members are eligible for per diem per the Nation's Travel and Expense policy. This is consistent with current law. This section removes the \$100 amount for the travel stipend. Instead, the amount of the stipend will be set by the OBC by resolution [See Boards, Committees and Commissions, 1 O.C. 105.13-9].

L. **Confidential Information.** This law requires members to maintain confidentiality in all information obtained through their position on the entity. Members cannot disclose confidential information without the written authorization of the Oneida Business Committee. After leaving an entity, a member must return all records. Members of an entity cannot use confidential information for personal gain [See Boards, Committees and Commissions, 1 O.C. 105.14-1].

- **Official Email Address.** Members will now be provided an official email address for conducting business of the entity. Members cannot use personal or work email to conduct the entity's business. Employees of the Nation will receive a separate email address. Members must follow the Nation's computer and media related policies and sign an acknowledgment form provided by the Secretary. When a member leaves office, the Nation's Secretary will direct MIS to disable the email address [See Boards, Committees and Commissions, 1 O.C. 105.14-3].

M. **Conflicts of Interest.** This law requires members to adhere to the Nation's policies regarding conflicts of interest. It also requires members to disclose conflicts of interest as soon as they arise and submit an updated conflict of interest disclosure form to the Nation's Secretary on an annual basis [See Boards, Committees and Commissions, 1 O.C. 105.15-2].

- **Political Appointees.** In this new provision, political appointees are no longer allowed to serve on boards, committees or commissions. There are currently ten political appointees in the organization: Chairperson's Assistant, Chairperson's Policy Advisor, Vice Chair's Assistant, Treasurer's Assistant, Secretary's Assistant, and five Legislative Assistants [See Boards, Committees and Commissions, 1 O.C. 105.15-3].
- **Deleted Sections.** The current Comprehensive Policy includes a list of specifically prohibited activities covered under "conflicts of interest." This draft deletes this list of prohibited activities, and instead, entities are directed to follow the Nation's laws and policies governing conflicts of interest [see Comprehensive Policy on Boards, Committees and Commissions, 1 O.C. 105.13]. These laws include the Conflict of Interest Law and the Code of Ethics, which both apply to members of boards, committees and commissions. Members must also follow any conflict of interest provisions in their entity's bylaws. The deleted sections provided specific examples, while the Conflict of Interest Law and Code of Ethics provide broader, general guidelines.

N. **Use of the Nation's Assets.** This law describes how entities will maintain bank accounts, execute and record transactions, and use Generally Accepted Accounting Principles for the Nation's funds. Any evidence of noncompliance will be reported to the Internal Audit department [See Boards, Committees and Commissions, 1 O.C. 105.16].

O. **Dissolution of an Entity.** Entities can only be dissolved by GTC or OBC motion. Entities created by GTC can only be dissolved by GTC. A new requirement was added that within 5 business days of dissolving an entity, OBC will provide the entity with a written notice of the dissolution [See Boards, Committees and Commissions, 1 O.C. 105.17-2]. This law specifies that chairpersons and secretaries of dissolved entities are responsible for closing out business and forwarding records to the BC Support Office. The BC Support Office may use the assistance of Records Management or any other appropriate department. [See Boards, Committees and Commissions, 1 O.C. 105.17-3].

- P. **Enforcement.** Members who violate this law are subject to sanctions and penalties, removal pursuant to the Removal law, or termination of appointment to an appointed entity. A provision regarding disqualifying candidates for election was removed, because disqualification is addressed in the Election law [*See Boards, Committees and Commissions, 1 O.C. 105.18*].

SECTION 6. EFFECT ON EXISTING LEGISLATION

- A. **Bylaws.** The bylaws of every Board, Committee and Commission will need to be updated to conform with the new bylaw requirements in this law [*See Boards, Committees and Commissions, 1 O.C. 105.10-3*].
- B. **References to the Other Laws of the Nation:** The following laws of the Nation are referenced in this law. This law does not conflict with any of the referenced laws.
- **Election Law.** The process for election of a member to an elected entity will be governed by the Election Law [*See Boards, Committees and Commissions, 1 O.C. 105.8-2*].
 - **Removal Law.** Removal of an official elected to an entity is governed by the Removal Law [*See Boards, Committees and Commissions, 1 O.C. 105.6-2(b)*]. Members who violate this law may be subject to Removal pursuant to the Removal Law [*See Boards, Committees and Commissions, 1 O.C.105.17-1*].
 - **Conflict of Interest Law.** All members of an entity are required to follow the Nation's laws governing conflicts of interest [*See Boards, Committees and Commissions, 1 O.C.105.15-1*].
 - **Code of Ethics.** All members of an entity are required to follow the Nation's laws governing conflicts of interest. The Code of Ethics also includes conflict of interest provisions [*See Boards, Committees and Commissions, 1 O.C. 105.15-1*].
 - **Computer Resources Ordinance.** Members of an entity must sign an acknowledgment form indicating notice of the Nation's applicable computer and media related laws [*See Boards, Committees and Commissions, 1 O.C. 105.14-3(b)*].
 - **Social Media Policy.** The bylaws of each entity must identify expectations for the use of social media in regards to official business of the entity [*See Boards, Committees and Commissions, 1 O.C. 105.10-3(d)(4)*].
 - **Travel and Expense Policy.** Members of an entity are eligible to be reimbursed for travel and per diem to attend a conference or training in accordance with the Nation's travel policies [*See Boards, Committees and Commissions, 1 O.C. 105.13-9*].
 - **Oneida Nation Gaming Ordinance.** Members appointed to fill a vacancy on an elected board may have their appointments terminated by the Oneida Business Committee, unless another law of the Nation states removal from that entity must be done pursuant to the Removal Law [*See Boards, Committees and Commissions, 1 O.C. 105.6-1*]. The Oneida Gaming Ordinance (ONGO) is an example of such a law. ONGO states that Gaming Commissioners must be removed pursuant to the Removal Law [*see Oneida Nation Gaming Ordinance, 5 O.C. 501.6-12*]

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

- A. **Right to Appeal Termination of Appointment.** After the OBC terminates an appointment, the termination is final and not subject to appeal. While appointed members have always served at the discretion of the Business Committee, for clarity, the law now specifically states that appeals are not

allowed. Note that this does not impact members who were elected to their positions, which is governed by the Removal Law.

- B. *Political Appointees.*** This law bans political appointees, such as legislative assistants, from serving on boards, committees and commissions. By accepting the position, political appointees will be knowingly giving up the right to serve on an entity as a condition of their employment. Any appointees currently serving on an entity will be allowed to finish their terms. *[See Boards, Committees and Commissions, 1 O.C. 105.15-3].*

SECTION 8. ENFORCEMENT

- A.** Elected officials may be removed pursuant to the Removal Law and appointed officials may have their appointments terminated by the Oneida Business Committee *[See Boards, Committees and Commissions, 1 O.C. 105.18-1(b-c)].*
- B.** Any member of an entity who violates this law may be subject to sanctions and penalties. The LOC is currently developing a Sanctions and Penalties law *[See Boards, Committees and Commissions, 1 O.C. 105.18-1(a)].*
- C.** Entities that fail to comply with reporting requirements in this law may have their stipends withheld until reports are submitted *[See Boards, Committees and Commissions, 1 O.C. 105.12-5].*

SECTION 9. OTHER CONSIDERATIONS

- A. *Bylaws.*** Boards, Committees and Commissions have been unable to update their bylaws for the last several years while this law has been on the LOC's Active Files List. Upon adoption of this law, all entities will need to update their bylaws to conform with the new standards *[See Boards, Committees and Commissions, 1 O.C. 105.10]*. All bylaws must be approved by the Oneida Business Committee. Entities, the LOC and BC should expect to begin processing a large number of bylaws after passage. It is recommended that a memorandum to entities be developed to provide guidance on the new bylaw requirements and the procedure for amending bylaws.
- B. *Sanctions and Penalties.*** This law references sanctions and penalties. The LOC is currently drafting a Sanctions and Penalties Law, which will provide options for reprimanding members who violate provisions of this and other laws. Currently, the only reprimand available for violating this law is termination of appointment for appointed members and removal of elected members *[See Boards, Committees and Commissions, 1 O.C. 105.18-1(a)].*
- C. *Impact on Standing Committees.*** This law does not apply to the Oneida Business Committee. However, the law does apply to the Nation's Standing Committees where applicable *[See Boards, Committees and Commissions, 1 O.C. 105.1-1]*. These Standing Committees are the Audit Committee, Finance Committee, Legislative Operating Committee, Community Development Planning Committee, and Quality of Life Committee. Standing Committees are largely made up of OBC members. Certain Standing Committees, such as the Audit and Finance committees, include community member seats. These community members are appointed in accordance with this law.
- *Provisions that Apply to Standing Committees.* The intent of including Standing Committees is to ensure that they follow this law's standards regarding bylaws, reporting requirements, and e-poll procedures.
 - *Provisions that May Not Apply to Standing Committees.* Certain provisions of this law may not apply to Standing Committees, such as the Stipend section, because OBC members who serve on Standing Committees are full-time employees and do not receive additional stipends.

- Other provisions that largely do not apply are Applications, Vacancies, Appointment, Election and the email address provision in Confidential Information.
- D. Stipends.** Under this law, stipend amounts will be set by Business Committee resolution [see *Boards, Committees and Commissions 1 O.C. 105.13-3*]. The OBC will periodically review and adjust these stipend amounts. Below is a depiction of current stipend amounts at the time this analysis was drafted. Whether to maintain or adjust the current stipend amounts a policy decision.

Chart 4. Current Meeting Stipends for Appointed Boards.

No Stipend

- Oneida Nation Arts Board

\$50 Per Meeting

- Anna John Resident Centered Care Community Board (AJRCC)
- Audit Committee (1 community member seat)
- Environmental Resource Board (ERB)
- Finance Committee (1 community member seat)
- Oneida Library Board
- Oneida Nation Arts Board
- Oneida Police Commission
- Oneida Pow Wow Committee
- Oneida Nation Veterans Affairs Committee (ONVAC)
- Pardon and Screening Forgiveness Committee
- Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)

Chart 5. Current Meeting Stipends for Elected Boards.

\$50 Per Meeting

- Land Commission
- Land Claims Commission

\$75 Per Meeting

- Oneida Nation Commission on Aging
- Oneida Nation School Board

\$100 Per Meeting for Chair, \$75 Per Meeting for Members

- Trust Enrollment Committee

\$100 per Meeting

- Oneida Election Board

Full Time Salary- No Meeting Stipend

- Oneida Gaming Commission
- "Pro-Tem" Commissioners, appointed as needed to participate in hearings when full-time commissioners recuse themselves, receive \$150 per hearing.

- Summary of Current Meeting Stipends.** Currently, there are variations in stipends from board to board based on various BC and entity actions over the years.
- o Members of appointed entities receive \$50 per meeting, with the exception of Oneida Arts Board, which is a volunteer board that does not accept stipends.

- o Member of elected entities receive between \$50 to \$100 per meeting. An exception is the Oneida Gaming Commission, whose members receive a full-time salary.
 - *Hearing Stipends.* Entities with hearing body authority receive stipends for conducting hearings. Hearing stipend amounts are typically the same as meeting stipends.
 - *Conferences and Training Stipends.* Members currently receive a \$100 stipend for each full day spent attending a conference or training, not including travel days.
 - *Other Stipends.* In addition, certain entities receive stipends for other activities:
 - o Oneida Election Board members receive \$10 per hour for conducting elections and caucuses. They also receive a \$100 stipend for conducting hand counts at General Tribal Council meetings.
 - o Oneida Pow-wow Committee members receive \$25 per hour, not to exceed \$200 per day, for planning, preparation and working Oneida Pow-wows.
 - *Considerations When Setting Stipend Amounts.* When adjusting stipend amounts, OBC may want to consider the following:
 - o What is the purpose of a stipend?
 - o Should chairpersons receive more than members?
 - o Should any of the following criteria be considered: Workload, qualifications for membership, oversight of a department or supervision of employees?
- E. ***Stipend Processing.*** This law places several new requirements and limitations on how and when members may receive stipends. These new requirements will require enforcement. Enforcing these new provisions will require reviewing bylaws, entity and OBC meeting minutes, Judiciary subpoenas and other actions. Currently, stipend requests are sent directly to Accounting. The BC Support Office is in the process of taking over this responsibility and is well suited to this role given their familiarity with each of the boards. If possible, the BC Support Office should take over this role to coincide with the implementation of this law.
- F. ***Current Political Appointees.*** This law bans political appointees from serving on boards, committees and commissions [See *Boards, Committees and Commissions*, 1 O.C. 105.15-3]. At the time this analysis was drafted, three political appointees currently serve on an entity. All three serve on elected entities. These three individuals, and any appointees who may be serving at the time this law is adopted, will be permitted to serve out the remainder of their terms. This decision will be included in the adopting resolution for this law. The OBC should also consider working with Oneida Human Resources Dept. to update job descriptions for political appointees to include this ban.
- G. ***Audio Recording Requirement.*** This law adds a new requirement for all entities to audio record their meetings. According the BC Support Office, only three entities currently audio record their meetings on a regular basis. It may be necessary for the BC Support Office to acquire additional audio recording equipment to implement this provision. The LOC may want to consider delaying the implementation date of this requirement in the adopting resolution to allow for necessary planning and purchases.
- H. ***Email Addresses for BCC Members.*** MIS, BC Support Office and Records Management have begun work to develop a process to provide and manage email addresses for BCC members. Based on MIS research, this will impact approximately 130 members. To allow for necessary planning to implement protocols, set budgets, and secure licenses to set up new email addresses, the LOC intends to include a delay of the email requirement in the adopting resolution.

- I. **Changes to Application Form.** The following changes must be made to the application form for boards, committees and commissions. The revised application forms must be approved by the Business Committee. The LOC may want to include the updated forms in the adoption packet to the OBC [see *Boards, Committees and Commissions*, 1 O.C. 105.5-1].
- Add a statement to the application form explaining the attendance requirements of section 105.11-3
 - Create an additional Background Investigation Application Form, to include social security number and any other information needed to conduct a background investigation. This form will only be provided to applicants applying to entities that require a background check
- J. **New Forms and Standard Operating Procedures:**
- *Computer Resource Acknowledgment Form.* The Secretary must provide an acknowledgment form to be signed by each member upon receiving an email address. The Nation's Secretary and BC Support Office may want to consult with MIS regarding these forms [see *Boards, Committees and Commissions* 1 O.C. 105.14-3(b)].
 - *Disabling Email Addresses.* The Secretary must direct MIS to disable the email address for members that leave office. The Nation's Secretary and BC Support Office may want to develop an SOP for this process [see *Boards, Committees and Commissions* 1 O.C. 105.14-3(d)].
 - *SOP for Background Check Application Forms.* Given the sensitive information on the new background check application forms, the Nation's Secretary and BC Support Office may want to create an SOP for how these forms will be securely stored and processed, if such an SOP does not already exist.
- K. **Deleted Conflict of Interest Section.** The current Comprehensive Policy includes a detailed list of prohibited activities that are considered conflicts of interest [see *Comprehensive Policy on Boards, Committees and Commissions*, 1 O.C. 105.13]. This draft deletes these provisions and instead, directs members to follow the Nation's laws and policies regarding conflicts of interest, which include the Conflict of Interest Law and the Code of Ethics. The deleted sections were reviewed to ensure that they appear elsewhere in the Nation's laws or are covered under this law's definition of "conflict of interest." Based on this review, it was determined that the Conflict of Interest Law and Code of Ethics provide broad guidelines, while the deleted Conflict of Interest sections in this law provided more specific examples that fell within those guidelines. While the deleted sections are covered by the Nation's existing laws and the definition of "conflict of interest," some of the detailed examples may be helpful to members of entities seeking to determine what constitutes a conflict. For example, one deleted section included detailed examples of "gifts" [see *Comprehensive Policy on Boards, Committees and Commissions*, 1 O.C. 105.13-14]. The LOC may want to consider adding these and other examples to the Conflict of Interest Law or Code of Ethics to provide additional guidance to entities. The Code of Ethics is currently on the LOC's Active File List.
- L. Please refer to the fiscal impact statement for any fiscal impacts.

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Title 1. Government and Finances – Chapter 105
~~COMPREHENSIVE POLICY GOVERNING~~ BOARDS, COMMITTEES AND
COMMISSIONS

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105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
105.3. Definitions
105.4. ~~Creation of an Entity~~ Applications
105.5. Applications
~~105.6. Vacancies~~
~~105.6. Appointed Positions~~
~~105.7. Elected Positions~~ Appointment to an Entity
105.8. ~~By-Laws of Boards, Committees and Commissions~~ Election to an Entity

105.9. ~~Minutes~~ Oath of Office
105.10. ~~Dissolution of Entities~~ Bylaws
105.11. Electronic Polling
105.12. Reporting Requirements
105.13. Stipends, Reimbursement and Compensation for Services
~~105.14. Confidential Information~~
~~105.15. Conflicts of Interest~~
105.16. Use of the Nation's Assets
105.17. Dissolution of an Entity
105.18. Enforcement

105.1. Purpose and Policy

105.1-1. It is the purpose of this policy law to govern boards, committees, and commissions of the standard Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of by-laws bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. This policy

(a) This law shall not apply to the Oneida Business Committee.

(b) This law shall apply to the Standing Committees of the Oneida Business Committee where applicable including, but not limited to, the Legislative Operating Committee, Finance Committee, Audit Committee, Quality of Life Committee, and Community Development Planning Committee.

(c) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of by-laws bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

105.2. Adoption, Amendment, Repeal

105.2-1. This policy law was adopted by the Oneida Business Committee by resolution #BC-5-14-97-F and amended by resolutions #BC-09-27-06-E and #, BC-09-22-10-C, and BC- - - - -.

105.2-2. This policy law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Oneida Administrative Legislative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council, regardless of where the original adoption took place.

105.2-3. Should a provision of this policy law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy law which are considered to have legal force without the invalid portions.

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~~105.2-4. Any policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this policy is hereby repealed to the extent that it is inconsistent with or is contrary to this policy. Provided that meeting stipends for elected members of a board, committee or commission that are in effect on [adoption date of the amendments] shall remain unaffected, but prior exceptions to this policy for appointed entities shall be repealed to extent that meeting stipends are inconsistent with this policy.~~

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

105.3. Definitions

105.3-1. This section shall govern the definitions of words and phrases ~~as used herein~~within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

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

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

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

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

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

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

(b) ~~"Vacancy"~~ i) "E-poll" means any position an electronic poll, which is the act of delivering an email to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the

entity.

(j) "Nation" means the Oneida Nation.

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

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

(m) "Stipend" means that amount paid by the Oneida Nation to persons serving on boards, committees and commissions of the Oneida Nation to offset the expenses of being a member on the board, committee or commission ~~caused by resignation, end of term, removal, termination, or creation of a new position.~~ Stipends are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

~~(c) "Application" means any process by which a person proceeds to be appointed to a vacancy.~~

~~(d) "Appointment" means the process by which a person is chosen to fill a vacancy.~~

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

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

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

~~(f) "Conference"~~^q "Vacancy" means any ~~training, seminar, meeting, or other assembly~~ position on any board, committee or commission ~~caused by resignation, end of term, removal, termination, or creation of a new position.~~

105.4. Creation of an assembly Entity

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

~~(g) "Per Diem" means the payment made by 105.4-2. The law or resolution establishing the Tribe to offset~~entity shall state the costs of being out of town or to travel on behalf purpose of the ~~Oneida Tribe of Indians of Wisconsin.~~

~~(h) "Stipend" means that amount paid by~~ entity and all powers and responsibilities delegated to the entity.

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

105.5. Applications

105.5-1. The Oneida ~~Tribe of Indians of Wisconsin to persons serving on boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin to offset the~~

expenses of being a member on the board, committee or commission.

(i) ~~“Official” means any person appointed or elected to membership~~ Business Committee
shall approve all applications to serve on an entity of the ~~Oneida Tribe~~.

~~105.4~~ Nation. ~~Applications~~

~~105.4-1.~~ All ~~applications~~ application materials shall be ~~generated by~~ available in the ~~Tribal~~
~~Secretary's~~ Business Committee Support Office and ~~approved~~ any other location specified by the
~~Oneida~~ Business Committee Support Office.

~~105.4-2.~~ The content of ~~(a)~~ All applications shall ~~be as follows~~ include:

~~(a)~~ questions designed to obtain the following information

~~(1)~~ name

~~(2)~~ address

~~(3)~~ phone number

~~(4)~~ enrollment number

~~(5)~~ position applied for

~~(b)~~ applications may contain any other questions necessary to obtain information
necessary to making an informed decision as to the qualifications of any individual to
hold any vacancy.

~~(c)~~ Form A-1, attached, is the current approved application form in use and shall be
placed in the Tribal Secretary's Office and other locations specified by the Tribal
Secretary's Office.

(1) a statement explaining the attendance requirements of section 105.12-3; and

(2) a section regarding disclosures of conflicts of interest.

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

~~105.5-2.~~ ~~105.4-3.~~ Applications shall be filed with the ~~Tribal Secretary's office~~ Business
Committee Support Office by 4:30 p.m. of the deadline date. Postmarked envelopes are
accepted as filed if postmarked by the deadline date and received by the ~~Tribal Secretary's~~
~~Office within five (5) business days of the deadline.~~ At the completion of the posted deadline
for filing applications the Tribal Secretary shall notify by postcard all persons who have filed an
application of the date the application was filed and whether it will be considered for the
election or appointment. A tentative date for appointment will be placed on the post card with
the instruction that this is a tentative date and further information can be requested by calling
the Tribal Secretary's Office. Postcard information should be in substantially similar format as
that in Figure 1. Business Committee Support Office within five (5) business days of the
deadline.

159 105.5-3.

Your application was received on:

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	160
Tentative date for appointment or election:	161
	162
You application 9 is -9 is not being considered.	163
	164
For more information, call the Tribal Secretary's Office at 869-2214.	165
	166

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105.5-4-4. Five (5) days after the posted deadline for filing applications the Business Committee Support Office shall notify all persons who have filed an application of the date his or her application was received and if his or her application met the deadline to be considered for the election or appointment.

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

105.4-5-5. Insufficient Applicants. In the event that there are an insufficient number of applicants after the deadline date has passed for appointed positions, the ~~Tribal Chairperson~~ Oneida Business Committee may elect to:

- (a) ~~Include~~ include within the pool of appointed persons late applications, or
- (b) ~~Repost~~ repost for an additional time period. In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

105.56. Vacancies

~~105.5-1. This section shall govern when vacancies occur, and where and when notice of the vacancies shall be posted.~~

105.6-1. The manner by which an individual fills a vacancy, either through election or appointment, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws. Unless, a law of the Nation indicates that removal of an official shall be done pursuant to the Removal law, an appointed individual may have his or her appointment terminated by the Oneida Business Committee.

105.56-2. ~~The~~ A position on an entity shall be considered vacant in the following ~~vacancies~~ shall be effective as listed herein. situations:

- (a) *End of Term.* A vacancy is effective as of 4:30 p.m. of the last day of the month in which the term ends ~~as of the by laws of the entity.~~

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

- (b) *Removal.* Removal is effective, ~~under adopted~~ pursuant to any law and ~~approved procedures of the entity, when the final action has taken place. Where a final action is defined as~~ or policy of the Nation regarding removal.

~~(1) failure to file a timely appeal,~~

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204 ~~(2) denial of appeal, or~~
205 ~~(3) final written opinion is filed.~~
206 (c) Termination of Appointment. A termination is effective upon a two-thirds (2/3)
207 majority vote of the Oneida Business Committee in favor of a member's termination of
208 appointment.
209 (d) Resignation. A resignation is effective upon:
210 (1) Deliverance of a letter to the ~~entity, or~~ Business Committee Support Office;
211 ~~(2)(A) Upon receipt of resignation, the Business Committee Support~~
212 ~~Office will notify the entity of the resignation;~~
213 ~~(2) Deliverance of a letter to the Chairperson of the entity, or designee, or~~
214 ~~(3) Acceptance by motion of the entity of a verbal resignation.~~
215 ~~(e) New Positions. Vacancies on new entities are effective upon adoption of by-~~
216 ~~laws~~bylaws.
217 ~~(e) Interim Positions. Vacancies of interim positions are effective upon creation of~~
218 ~~interim positions by 105.6-3. An entity shall notify the Oneida Business Committee~~
219 ~~Support Office as soon as the entity learns that a position has or General Tribal Council.~~
220 ~~will become vacant. 105.5-3.~~ All notices of vacancy shall be sent to the entities for clarification
221 or confirmation prior to notification to the Oneida Business Committee. ~~The following~~
222 ~~guidelines are minimum notice requirements:~~
223 ~~(a) End of Term. Entity should be notified 60 days prior to end of term by the Tribal~~
224 ~~Secretary.~~
225 ~~(b) Removal or Resignation. Entity should be notified as soon as final action is taken~~
226 ~~by the Oneida Business Committee or General Tribal Council to accept the resignation,~~
227 ~~or final action according to any Removal law of the Tribe.~~
228 105.56-4. Notice of vacancies shall be by the Tribal Secretary's Office in the following
229 locations:
230 (a) Tribal Secretary's Office
231 (b) The Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
232 Community Health Center, the South Eastern Wisconsin Oneida Tribal Services
233 (SEOTS) building and the Highway 54 and E & E Oneida One Stops.
234 (c) Kalihwisaks
235 (d) Minutes of the Oneida Business Committee, and
236 (e) Any reasonable location requested by the entity.
237 105.5-5. The Tribal Secretary's Support Office shall forward the notice of vacancy to the
238 Oneida Business Committee for Secretary. The Secretary shall request and receive approval and
239 direction from the Oneida Business Committee to post the notice as set out in this section of
240 vacancy. The Tribal Secretary shall post notice of vacancies at the following times:
241 (a) End of Term. Automatically thirty (30) days prior to completion of the term.
242 (b) Removal. Upon notice by Secretary, or other person authorized by No later than the
243 by laws first Oneida Business Committee meeting following the effective date of the
244 entity, to the Tribal Secretary's Office. removal.
245 (c) Resignation. Upon notice by No later than the Secretary, or other person authorized
246 by first Oneida Business Committee meeting following the by laws Secretary's receipt of
247 notice of an effective resignation from the entity, to the Tribal Secretary's Office.

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- (d) *New Positions.* Upon one of the following conditions:
- (1) if not specified, immediately upon creation of entity or adoption of ~~by laws~~bylaws, whichever is later, or
 - (2) upon date specified when creating the entity.
- ~~(e) Interim Members. Upon one of the following:~~
- ~~(1) upon completion of the term designated to hold in new entity, or~~
 - ~~(2) upon completion of vacant term of the pre-existing entity~~
- ~~(f) Termination of appointment. At~~No later than the ~~next~~first Oneida Business Committee meeting following the effective date of the termination ~~of appointment.~~.

105.6. ~~Appointed Positions~~

~~105.6-1. All appointments~~5. Notice of vacancies shall be ~~made~~posted by the Business Committee Support Office in all official media outlets of the Nation, as determined by the Oneida Business Committee ~~at regular or special Oneida Business Committee meetings.~~Provided that, no applicant may be appointed who fails to meet, as well as any other location deemed appropriate by the requirements set out in the entity's by lawsSecretary.

105.7. Appointment to an Entity

~~105.6-2.7-1. Appointment Selection.~~ The following procedures shall be used to determine ~~who shall be~~how the applicant for an appointed position is selected:

- (a) Five (5) business days after ~~close of notice,~~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 ~~shall be delivered to the Tribal Chairperson,~~ 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
- ~~(b) Within a reasonable time, the Tribal Chairperson shall:~~
 - ~~(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 ~~Tribal Secretary's Office~~Oneida Nation's Secretary to re-notice the

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vacancy because of ineligible, unqualified, or under qualified applicants.

~~(c) Forward choice of applicants to all Council members prior to appointment:~~

~~(1) Council members may accept the Tribal Chairperson's selected applicants, or~~

~~(2) Reject an applicant by majority vote of a quorum at any~~ (d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

~~105.6-3. All appointments are official upon taking an oath at a~~ (e) During the open session of the regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Tribal Secretary shall notify the chosen persons when they should appear for taking the oath.

~~(a) Originals of the signed oath shall be maintained by the Tribal Secretary's Office.~~

~~(b) Copies of the oath shall be forwarded to the new, a member and the entity.~~

~~(c) Wording of oaths shall be approved by the Oneida Business Committee and kept on file by the Tribal Secretary's Office.~~

~~(1) The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:~~

~~I, ♦name♦, do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the strictest confidentiality.~~

~~I will carry out the duties and responsibilities as a member of the ♦entity name♦, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.~~

~~(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to usage.~~

~~(e) All oaths shall be sufficient to~~ may make the appointee aware of their duty a motion to the appoint an individual. Oneida Tribe and as Business Committee members of the entity may:

~~105.6-4. The Tribal~~ (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 final status of their application.

(a) The Tribal Nation's Chairperson shall forward a list of all applicants to the Tribal Nation's Secretary and the final decision regarding the selection after the procedures in sec. 6-2 for selection of an applicant described in section 105.7-1 are completed. Provided that, the Tribal

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(b) The Nation's Secretary shall include on the notice to the applicant selected for appointment the following paragraph:

~~"The Oneida Tribe of Indians of Wisconsin reports all income paid by the Oneida Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."~~

~~105.6-5. Termination of Appointment. Appointed members of entities serve at the discretion of the Oneida Business Committee. Upon the recommendation of the Tribal Chair, an appointed member of an entity may have his or her appointment terminated by the Oneida Business Committee by a two-thirds majority vote of the entire Oneida Business Committee.~~

~~105.7~~ Elected Positions

~~105.7-1. All elected positions, unless otherwise noted in the by laws of the entity, shall be nominated at a caucus called by the Oneida Election Board, or petition for ballot placement, in accordance with the Oneida Election Law. Provided that, when the Election Board notifies a petitioner or nominee that he or she is eligible to be placed on the ballot, the following paragraph shall be included:~~

~~"The Oneida Tribe of Indians of Wisconsin~~Nation ~~reports all income paid by the Tribe~~Oneida Nation ~~in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."~~

~~105.7-2. All other processes shall be as directed in the Oneida Election Law~~3. Declination of Appointment. An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

- (1) Delivery of an letter stating that the individual wishes to decline the appointment to the Business Committee Support Office; or
- (2) The failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee.

(b) The Business Committee Support Office shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

~~105.7-4. Termination of Appointment. Appointed members of entities serve at the discretion of the Oneida Business Committee.~~3Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee.

(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.

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

105.8 Election to an Entity

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

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

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

105.9. Oath of Office

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

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

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

105.9-3. (a) — Originals of the signed oath, or electronic copies of the originals of the signed oath, shall be maintained by the Tribal Secretary's Business Committee Support Office.

(b) Copies of the oath shall be forwarded to the new member of the entity and the entity.

105.9-4. © Wording of oaths shall be approved by the Oneida Business Committee and kept on file by the Tribal Secretary's Office. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:

I, ♣[name♣, do], hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin Nation, the General Tribal Council, and the Tribal Oneida Nation Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with will strictly maintain confidential information. I will carry out the strictest confidentiality duties and responsibilities as a member of the [entity name], and all recommendations shall be made in the best interest of the Oneida Nation as a whole.

I will carry out the duties and responsibilities as a member of the ♣entity name♣, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.

(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to

usage.

(e) 105.9-5. All oaths shall be sufficient to make the appointee-appointed or elected member of an entity aware of their duty to the TribeNation and as members of the entity.

105.8. By-Laws of Boards, Committees and Commissions

105.810. Bylaws

105.10-1. By-Laws All entities of all Boards, Committees and Commissions the Nation shall have bylaws that conform to the requirements of this outline-law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless where General Tribal Council approval is additionally required.

(a) All existing entities must comply with this format and present by-lawsbylaws for adoption within a reasonable time after creation of the entity, or within a reasonable time after adoption of this policy. By-laws must contain this minimum information, although more information is not prohibited.law.

105.8-2. Specifically excepted from this section are (b) Bylaws must contain at least the minimum information required by law, although more information is not prohibited.

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

105.8-3. There10-2. Articles. Bylaws shall becontain, at a minimum, the following Articles:

- (a) Article I. Authority.
- (b) Article II. Officers.
- (c) Article III. Meetings.
- (d) Article IV. ReportingExpectations.
- (e) Article V. Stipends and Compensation.
- (f) Article VI. Records and Reporting.
- (g) Article VII. Amendments.

105.8-410-3. Sections. Articles shall be divided into "Sectionssections" as set out.

(a) "Article I. Authority" consistsshall consist of the following information:

(1) Name. All entities should list the The full name of the entity. In addition, there should be listed shall be stated, along with any short name that will be officially used.

(2) AuthorityEstablishment. This section shouldshall state the citation and name, if any, of the creation document.

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

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

(45) Membership. The following information shouldshall be in this section:

- (A) Number of members on the entity;
- (B) How If members on the entity are elected or appointed; and how a member is elected or appointed;
- (C) How vacancies are filled; and
- (D) The qualificationsQualifications for membership on the entity.

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(6) Termination or Removal. This section shall identify causes for termination or removal, if any, in addition to those already identified in laws and/or policies of the Nation.

(7) Trainings and Conferences. This section shall describe any trainings and/or conferences that the entity deems necessary for members to responsibly serve the entity, if any.

(b) "Article II. Officers" ~~consists~~shall consist of the following ~~information~~:

(1) ~~Chair~~Chairperson and Vice-~~Chair~~Chairperson. This section creates the chairperson and vice-chairperson positions of the entity. Other officer positions may also be created here.

(2) ~~Chair duties.~~Responsibilities of the Chairperson. Because of the importance of this position, ~~those~~all duties and responsibilities of the chairperson, as well as limitations ~~should~~of the chairperson shall be specifically listed here.

(3) ~~Responsibilities of the Vice-Chair duties~~Chairperson. Because of the importance of this position, ~~those~~all duties and responsibilities of the vice-chairperson, as well as limitations ~~should~~of the vice-chairperson shall be specifically listed here.

(4) ~~Responsibilities of Additional Offices and Duties.~~Officers. There ~~should~~may be additional sections as needed for every ~~office~~officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) ~~How chosen.~~ There should be specifically set out Selection of Officers. This section shall identify how a member of the entity ~~will occupy~~shall be selected for an official officer position ~~as set out in this section~~the entity.

~~(6)~~ (6) Budgetary Sign-Off Authority and Travel. This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and how the entity shall handle approving travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) Personnel. ~~State entities~~This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" ~~consists~~shall consist of the following ~~information~~:

(1) Regular meetings. ~~There~~This section shall ~~be listed~~identify when and where regular meetings shall be held, and, how the entity shall provide notice of the meeting agenda, documents, and minutes ~~will be disbursed to the members~~.

(2) Emergency meetings. ~~There~~This section shall ~~be listed~~identify what constitutes an emergency meeting, how Emergency~~emergency~~ meetings shall be called ~~and noticed~~, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the

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Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular or special meeting.

(3) *Quorum*. This section shall ~~list~~identify how many members of an entity create a quorum.

(4) *Order of Business*. This section sets out how the agenda will be set up.

(5) *Voting*. This section ~~should list how~~shall identify voting ~~shall be taken, what percentages shall be needed~~requirements, such as, but not limited to—pass different items:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of and e-poll is permissible, who will serve as the Chairperson's designee for the responsibility of conducting an e-poll, if a designee is utilized.

(d) ~~"Article IV. Reporting"~~consists~~Expectations"~~ shall consist of the following information:

(1) *Behavior of Members*. This section shall identify the behavioral expectations and requirements of a member of the entity, and identify how the entity shall enforce these behavioral expectations.

(2) *Prohibition of Violence*. This section shall prohibit any violent intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.

(3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.

(4) *Social Media*. This section shall identify expectations for the use of social media in regards to official business of the entity.

(5) *Conflict of Interest*. This section shall state any standards and expectations additional to those required by law of the Nation in regards to conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.

(e) "Article V. Stipends and Compensation" shall consist of the following information:

(1) *Stipends*. This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any in addition to those contained in this law.

(2) *Compensation*. This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any in addition to those contained in this law.

(f) "Article VI. Records and Reporting" shall consist of the following information:

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(1) Agenda Items. Agenda items shall be maintained in ~~an~~ a consistent format as identified ~~format~~ by this section.

(2) Minutes. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the Business Committee Support Office.

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

(4) Oneida Business Committee Liaison. Entities ~~will report to~~ shall regularly communicate with the Oneida Business Committee member who is their designated liaison. This ~~reporting~~ section shall identify a format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. ~~Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and entity agree. Provided that, the agreement~~ The purpose of the liaison relationship is to uphold the ability of the liaison to act as a support to that entity.

~~(e)~~ (5) Audio Recordings. An entity shall audio record all meetings. This section shall state how the entity will audio record meetings, and how the entity shall maintain the audio records. (g) "Article ~~V~~ VII. Amendments" consists of:

(1) Amendments to By-laws. ~~There should be described~~ Bylaws. This section shall describe how amendments to the ~~by-laws shall take place. Provided that,~~ bylaws are made. Any amendments to bylaws shall conform to the requirements of this and any other policy. ~~Provided further, that amendments are of the Nation. Amendments to bylaws shall be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable,~~ prior to implementation.

105.9. Minutes 11. Electronic Polling

105.911-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.11-2. Conducting an E-Poll. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official email address of the entity. The e-poll's message shall include the following information:

(a) The email subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.

(b) The body of the e-poll shall contain the following elements:

(1) An executive summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity;

(2) A proposed motion which shall be in bold and identified in a separate

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paragraph by the words “Requested Action;”

(3) All attachments in *.pdf format, which are necessary to understand the request being made; and

(4) A deadline date for a response to be returned regarding the results of the electronic poll which shall be in bold and identified in a separate paragraph by the words “Deadline for Response.”

(A) E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

(B) The time frame for responses shall be determined by the Secretary of the entity, or designee, based on urgency, scheduling, and any other pertinent factors.

105.11-3. Response to an E-Poll. A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.11-4. Entering an E-Poll in the Record. Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and his or her response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a vote.

105.12. Reporting Requirements

105.12-1. Minutes. All minutes shall be submitted to the Tribal Secretary's Business Committee Support Office within a reasonable time after approval by the entity, as identified in the entity's bylaws.

105.9-2(a) Actions taken by an entity are valid when upon approval of the action by vote, unless the bylaws of the entity otherwise require minutes are approved, provided that, minutes are to be approved by the entity before the actions are valid.

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

~~(c) 105.9-3.~~ No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the by-laws bylaws of that entity.

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~~105.9-4. In the event of dissolution of an entity, all files and documents are required to be forwarded to the Tribal Secretary's Office for proper storage and disposal.~~

105.10. Dissolution of Entities

~~105.10-1. All entities of the Tribe shall be dissolved according to this section. Provided that other specific directions may be included within by laws.~~

~~105.10-2. A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution.~~

105.10-3. 12-2. Standard Operating Procedures. All other entities of the Tribe shall be dissolved only standard operating procedures established by motion of the Oneida General Tribal Council or an entity shall be submitted to the Business Committee Support Office, where they shall be kept on file.

105.12-3. Quarterly Reports to the Oneida Business Committee. Entities shall provide quarterly reports to the Oneida Business Committee. Unless otherwise indicated, in accordance with the materials generated quarterly reporting schedule approved by these entities shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution. the Oneida Business Committee. All quarterly reports shall be approved by official entity action before they are submitted. The quarterly reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

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

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

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

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

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

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

(e) Budget. The amount of the entity's budget, the status of the budget at that quarter, the amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, and projected budgetary uses for the next quarter.

(f) Requests. Details of any requests to the Oneida Business Committee.

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

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105.12-4. Annual and Semi-Annual Reports to the General Tribal Council. Entities shall provide annual reports to the Oneida General Tribal Council based on their activities during the previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee.

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

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

105.12-5. Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

~~105.13-105.10-4. All Chairpersons and Secretaries of dissolved entities shall be responsible for closing out open business of the entity and forwarding materials.~~

105.11. Stipends, Reimbursement and Compensation for Service

105.13-1. The Nation recognizes that an individual serving on an entity of the Nation, whether elected or appointed, incurs some expense as a result of his or her position on the entity. Therefore, the Nation, in order to attract individuals to serve on entities, shall pay stipends to these members in accordance with this section.

~~105.13-2. 105.11-1.~~ Compensation and reimbursement for expenses shall be follow the procedures as set out in this section and according to procedures for payment as set out by the ~~Oneida Tribe of Indians of Wisconsin~~Nation.

~~105.11-2. The Oneida Tribe recognizes that persons serving on entities of the Tribe, whether elected or appointed, incur some expense. Therefore, the Tribe, in order to attract persons to serve on entities, shall pay stipends to these members in accordance with this section.~~

~~105.11-3. Meeting Stipends for Appointed Members. Except provided in sub (a) and unless otherwise declined by the entity through its bylaws, or declined by a member(s), appointed members serving on entities shall be paid a stipend of no more than \$50 per month when at least one (1) meeting is conducted where a quorum has been established in accordance with the duly adopted by laws of that entity. Provided that the meeting lasts for at least one (1) hour and that members collecting stipends must be present for at least one (1) hour of the meeting.~~

105.13-3. (a) Members serving on the Oneida Child Protective Board shall be exempt from the \$50 stipend per month limitation and shall receive a \$50 The Oneida Business Committee shall set stipend for each meeting held in accordance with 105.11-3.

~~105.11-4. Meeting Stipends for Elected Members. Unless otherwise declined by the entity through its bylaws, or declined by a member(s), elected members serving on entities shall be paid a minimum stipend of \$50 for each meeting which has established a quorum in accordance with the duly adopted by laws of that entity for at least one (1) hour, regardless of the length of the meeting. Members collecting stipends must be present for at least one (1) hour of the meeting, regardless of the length of the meeting.~~

~~105.11-5. amounts by resolution.~~ The Oneida Business Committee shall periodically review the amounts provided for ~~meeting~~ stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this Policy the resolution.

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105.13-4. Meeting Stipends. A member of an entity, whether elected or appointed, shall only receive a meeting stipend for a meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

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

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

105.13-5. Oneida Judiciary Hearings. A member of an entity may receive a Judiciary hearing stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

105.13-6. Hearings of an Entity. A member of an entity that maintains hearing authority may obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of all functions related to the resolution of the matter notwithstanding the amount of time it takes to resolve the matter, including, but not limited to, any continuations of the hearing and decision drafting.

105.13-7. Oneida Business Committee Meetings. Up to two (2) members of an entity that attend the Oneida Business Committee meeting where the quarterly report of the entity is an agenda item, and present the quarterly report are eligible to receive a stipend.

105.13-8. Other Stipends. The Oneida Business Committee shall determine if, and when, any other stipends are appropriate to compensate members of entities for their official actions. All possible stipends shall be included in the Oneida Business Committee resolution which sets stipend amounts.

105.13-9. 105.11-6. Conferences and Training. A member of any entity, elected or appointed, shall be reimbursed in accordance with the ~~Tribal~~Nation's policy for travel and per diem, for attending a conference or training. Provided that:

(a) A member shall be eligible for a ~~\$100~~ stipend for each full day the member is present at the conference or training, when attendance at the conference or training is required by law, bylaw or resolution.

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

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

~~105.11-7.~~13-10. Business Expenses. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

~~105.13-11-8. Task Force members and members~~Ad Hoc Subcommittees. Members of task force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.1214. Confidential Information

~~105.1214-1. The Oneida Tribe is involved in numerous business ventures and governmental functions where it is necessary that private information be kept in the strictest confidence to assure the continued success and welfare~~All members of the Tribe. It is in the best interest of the Oneida Tribe that all officialsan entity shall maintain in a confidential manner all

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information, ~~whether of historical, immediate, or future use or need,~~ obtained through their position on the entity. The ~~Oneida Tribe desires~~ Nation requires that all ~~officials~~ members of an entity who have access to the ~~Oneida Tribe's~~ Nation's confidential information be subject to specific limitations in order to protect the interest of the ~~Oneida Tribe.~~ It is the intention of the Oneida Tribe Nation and ensure that no persons engaged in by the ~~Tribe~~ Nation, nor their relatives or associates, benefit from the use of confidential information.

~~105.12-2. Confidential information means all information or data, whether printed, written, or oral, concerning business or customers of the Oneida Tribe, disclosed to, acquired by, or generated by officials in confidence at any time during their elected or appointed term or during their employment.~~

105.12-3.(a) Confidential information shall be considered and kept as the private and privileged records of the ~~Oneida Tribe~~ Nation and will not be divulged to any person, firm, corporation, or other entity except by direct written authorization of the Oneida Business Committee.

~~105.12-4. An official~~ (b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the ~~Oneida Tribe~~ Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of such information. Such restriction continues after termination of the relationship with the ~~Oneida Tribe~~ Nation and the entity.

105.12-5.(c) Upon completion or termination of his/ ~~or~~ her elected or appointed term of membership in an entity, for any cause whatsoever, the ~~official~~ member of the entity will surrender to the ~~Oneida Tribe~~ Nation, in good condition, all records kept by the ~~employee~~ member of the entity.

105.12-6.(d) No ~~official~~ member of an entity shall disclose confidential information acquired by reason of his/ ~~her~~ other relationship or status with the ~~Oneida Tribe~~ Nation for his/ ~~or~~ her personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

105.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and can only be removed or destroyed by approval from a majority vote of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Nation's laws and policies regarding open records and open meetings.

105.14-3. Official Oneida Nation E-mail Address. Each member of an entity shall be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.

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

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

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

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

105.15. Conflicts of Interest

105.15-1. All members of an entity are required to adhere to the Nation's laws and policies governing conflicts of interest.

105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's Secretary on an annual basis.

(a) Upon receiving information of a potential conflict of interest, the Nation's Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Nation regarding the status of the official.

105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political appointees and legislative assistants shall not serve on an appointed or elected entity.

105.16. Use of the Nation's Assets

~~**105.13. Conflicts of Interest**~~

~~*Subpart A. General*~~

~~105.13-1. The Oneida Tribe recognizes the ability of all persons to serve on entities of the Oneida Tribe. However, it is also recognized that the delegated authority and responsibilities of an entity may cause conflict with membership on other entities or employment.~~

~~105.13-2. It is the policy of the Oneida Tribe to request a candidate to disclose possible conflicts prior to election or appointment to allow the conflicts to be resolved in a timely manner.~~

~~105.13-3. Officials shall disclose and resolve conflicts of interest in a reasonable and timely manner. Failure to resolve conflicts shall result in removal from office for elected officials and may result in termination of appointment for appointed officials. Provided that, all applicants shall submit, with the application forms, a signed conflict of interest declaration disclosing all known conflicts.~~

~~105.13-4. This section sets forth specifically prohibited conflicts of interests. However, for any individual candidate or member on an entity, conflicts may arise within the by-laws of that entity or employment relationships.~~

~~105.13-5. No official shall act as a consultant, agent, representative for, or hold any position as an officer, director, partner, trustee, or belong as a member in a board, committee or commission, or the like without first disclosing such activity to determine possible conflicts of interest.~~

~~*Subpart B. Employment Interests*~~

~~105.13-6. No official shall hold office in an entity which has authority over the area in which the official is employed by the Oneida Tribe or elsewhere. The Oneida Tribe recognizes the ability of all persons to serve on entities of the Oneida Tribe, however, recognizes the conflict arising out of membership on an entity and employment in an area over which the entity has~~

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authority.

~~105.13-7. Employment is defined for this subpart as that area which the employee supervises or is supervised in regards to a specific subject matter~~16-1. Entities.

~~105.13-8. Authority of an entity is defined for this subpart as that area over which the entity has subject matter jurisdiction delegated either by the Oneida Business Committee or Oneida General Tribal Council, and for which that authority may be regulatory, oversight, or otherwise.~~

Subpart C. Financial Interests, Investments, and Gifts

~~105.13-9. No official, or their immediate family, may have a financial interest in any transaction between the entity and an outside party where the official has a financial or familial relationship.~~

~~105.13-10. The following words are defined for the purposes of this subpart:~~

~~(a) "Financial interest" means any profit sharing arrangements, rebates, payments, commissions, or compensation in any form, and shall include any form of ownership, regardless of ability to control the activities of the business. Provided that, this shall not include ownership of shares which, other than in combination with others, cannot exert a controlling influence on the activities of the business and in relation to the outstanding shares, the ownership of shares represents a small part of the whole.~~

~~(b) "Transaction" means any activity wherein a provider of goods and/or services is compensated in any form.~~

~~(c) "Immediate family" means the mother, father, sister, brother, daughter, son, granddaughter, grandson, grandfather, grandmother and these relationships with any spouse.~~

~~105.13-11. As referred to in this Subpart, entity includes for the purposes of defining conflicts, the programs or enterprises over which the entity has delegated authority.~~

~~105.13-12. Officials shall avoid personal investment in any business with which the Oneida Tribe has or is expected to have a contractual or other business relationship. Notwithstanding the foregoing, however, an investment by an official in a business with which the Oneida Tribe has dealings is permissible if the Oneida Business Committee or other delegated authority determines in writing that:~~

~~(a) the investment is not made or cannot be considered to have been made on the basis of confidential information, and~~

~~(b) the investment cannot be expected to adversely affect or influence the official's judgement in the performance of any services or obligations on behalf of the Oneida Tribe.~~

~~105.13-13. Officials shall not use their relationship with the Oneida Tribe to exercise undue influence to obtain anything which is not freely available to all prospective purchasers.~~

~~105.13-14. No official shall accept gifts, payments for personal gain, opportunities to invest, opportunities to act as an agent, a consultant, or a representative for actual or potential purchasers, sales sources, contractors, consultants, customers or suppliers, or accept any direct or indirect benefit from any actual or potential purchaser, sales source, contractor, consultant, customer, or supplier.~~

~~105.13-15. No official shall accept any gift, entertainment, service, loan, promise of future benefits or payment of any kind which the Oneida Business Committee or other delegated~~

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authority determines adversely affects or influence his/her judgement in the performance of any services, duties, obligations or responsibilities to the Oneida Tribe, or impairs confidence in the Oneida Tribe.

105.13-16. Notwithstanding the foregoing, however, officials may accept or provide business-related meals, entertainment, gifts or favors when the value involved is insignificant and the Oneida Business Committee or other delegated authority has determined that it clearly will not place him/her under any obligation.

Subpart D. Competition With The Oneida Tribe

105.13-17. No official shall enter into competition with the Oneida Tribe in the purchase or sale of any property, property rights or interests, without prior consent of the Oneida Tribe.

105.13-18. An official may enter into competition with the Oneida Tribe where the activity engaged is approved through an Oneida entrepreneur development program or other similar Oneida program and does not otherwise violate this policy.

Subpart E. Use Of Tribal Assets

105.13-19. All maintain all bank accounts for tribal~~the Nation's~~ funds ~~shall be maintained~~ in the name of the Oneida ~~Tribe and~~Nation. Bank accounts will be reflected on the Oneida ~~Tribe's~~Nation's books in accordance with Generally Accepted Accounting ~~Procedures~~Principles.

105.13-2016-2. Each official~~member of an entity~~ shall comply with the system of internal accounting controls sufficient to provide assurances that:

- (a) all transactions are executed in accordance with management's authorization; and
- (b) access to assets is permitted only in accordance with management's authorization; and
- (c) ~~all transactions are recorded to permit preparation of financial statements in conformity with generally accepted accounting principles~~Generally Accepted Accounting Principles or other applicable criteria.

105.13-21. ~~Any records created or obtained while as an official of an entity of the Oneida Tribe is/are the property of the Oneida Tribe and can only be removed or destroyed by approval from a quorum of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Open Records and Open Meetings law.~~

Subpart F. Disclosure

105.13-22. ~~Each official shall disclose any outside activities or interests that conflict or suggest a potential conflict with the best interests of the Oneida Tribe by completely filling out the application for membership or informing the Oneida Business Committee or other designated authority after election or appointment of a conflict arising during membership on an entity.~~

Subpart G. Reporting

105.13-23. ~~All conflicts or potential conflicts that arise during membership on an entity shall be immediately reported to the Tribal Secretary of the Oneida Tribe. Upon receiving information of a potential conflict of interest, the Tribal Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Oneida Tribe regarding the status of the official.~~

~~105.13-24.~~105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal

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assets shall be immediately reported to the ~~internal audit staff~~Internal Audit department. If the ~~internal audit staff~~Internal Audit department finds evidence of noncompliance they shall notify the Oneida Law Office ~~of the Oneida Tribe~~, who will then make a determination of further action to be taken, if any.

105.17. Dissolution of an Entity

105.17-1. Dissolution of a Task Force or Ad Hoc Committee. A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Subpart H. Business Committee Support Office for proper disposal within two (2) weeks of the dissolution.

105.17-2. Dissolution of an Entity. All other entities of the Nation shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee. The General Tribal Council shall have the authority to dissolve an entity created by the General Tribal Council or the Oneida Business Committee, and the Oneida Business Committee shall have the authority to dissolve an entity created by the Oneida Business Committee.

105.17-3. Notice of Dissolution. Within five (5) business days of the Oneida General Tribal Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee shall provide the entity written notice of the dissolution.

105.17-4. Management of Records and Materials. All chairpersons and secretaries of dissolved entities shall be responsible for closing out open business of the entity and forwarding all materials and records to the Business Committee Support Office for proper storage and disposal within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee Support Office may utilize the assistance of the Records Management Department and/or any other appropriate department for the storage and disposal of the records and materials.

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

105.18. Enforcement And Penalties

~~105.13-25. Officials~~105.18-1. Any member of an entity found to be in violation of this ~~policy~~law may be ~~removed~~subject to:

(a) sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties;

(b) removal pursuant to the Removal Law any laws or policies of the Nation's governing removal, if a member of an elected entity; or have their

(c) termination of appointment terminated by the Oneida Business Committee, if a member of an appointed entity.

~~105.13-26. Candidates for appointment or election to office found in violation of this policy may be disqualified from taking office.~~

End.

Adopted - BC-~~8-208-02~~-95-A

Amended - BC-~~505~~-14-97-F

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1003 Emergency Amendments - BC-04-12-06-JJ
1004 | Amended - BC-~~9~~⁰⁹-27-06-E (permanent adoption of emergency amendments)
1005 Amended – BC-09-22-10-C
1006 | ~~Amended – BC-~~
1007
1008

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Title 1. Government and Finances – Chapter 105
BOARDS, COMMITTEES AND COMMISSIONS
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105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
105.3. Definitions
105.4. Creation of an Entity
105.5. Applications
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105.13. Stipends, Reimbursement and Compensation
105.14. Confidential Information
105.15. Conflicts of Interest
105.16. Use of the Nation's Assets
105.17. Dissolution of an Entity
105.18. Enforcement

105.1. Purpose and Policy

105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions.

(a) This law shall not apply to the Oneida Business Committee.

(b) This law shall apply to the Standing Committees of the Oneida Business Committee where applicable including, but not limited to, the Legislative Operating Committee, Finance Committee, Audit Committee, Quality of Life Committee, and Community Development Planning Committee.

(c) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

105.2. Adoption, Amendment, Repeal

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-__-__-__-__.

105.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. 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.

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

105.3. Definitions

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105.3-1. 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) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

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

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

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

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

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

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

(i) "E-poll" means an electronic poll, which is the act of delivering an email to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(j) "Nation" means the Oneida Nation.

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

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

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

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

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

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

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

105.4. Creation of an Entity

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

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

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

105.5. Applications

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

(a) All applications shall include:

(1) a statement explaining the attendance requirements of section 105.12-3; and

(2) a section regarding disclosures of conflicts of interest.

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

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

105.5-3. Five (5) days after the posted deadline for filing applications the Business Committee Support Office shall notify all persons who have filed an application of the date his or her application was received and if his or her application met the deadline to be considered for the election or appointment.

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

105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants

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after the deadline date has passed for appointed positions, the Oneida Business Committee may elect to:

- (a) include within the pool of appointed persons late applications, or
- (b) repost for an additional time period. In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

105.6. Vacancies

105.6-1. The manner by which an individual fills a vacancy, either through election or appointment, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws. Unless, a law of the Nation indicates that removal of an official shall be done pursuant to the Removal law, an appointed individual may have his or her appointment terminated by the Oneida Business Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) upon date specified when creating the entity.

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

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

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 meeting. 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

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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 final status of their application.

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

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

105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

(1) Delivery of an letter stating that the individual wishes to decline the appointment to the Business Committee Support Office; or

(2) The failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee.

(b) The Business Committee Support Office shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

105.7-4. *Termination of Appointment.* Appointed members of entities serve at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee.

(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.

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

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105.8 Election to an Entity

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

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

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

105.9. Oath of Office

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

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

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

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

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

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

105.10. Bylaws

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

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

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adoption of this law.

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

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

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

(a) Article I. Authority.

(b) Article II. Officers.

(c) Article III. Meetings.

(d) Article IV. Expectations.

(e) Article V. Stipends and Compensation.

(f) Article VI. Records and Reporting.

(g) Article VII. Amendments.

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

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

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

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

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

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

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

(A) Number of members on the entity;

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

(C) How vacancies are filled; and

(D) Qualifications for membership on the entity.

(6) *Termination or Removal.* This section shall identify causes for termination or removal, if any, in addition to those already identified in laws and/or policies of the Nation.

(7) *Trainings and Conferences.* This section shall describe any trainings and/or conferences that the entity deems necessary for members to responsibly serve the entity, if any.

(b) "Article II. Officers" shall consist of the following:

(1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and vice-chairperson positions of the entity. Other officer positions may also be created here.

(2) *Responsibilities of the Chairperson.* Because of the importance of this position, all duties and responsibilities of the chairperson, as well as limitations of the chairperson shall be specifically listed here.

(3) *Responsibilities of the Vice-Chairperson.* Because of the importance of this position, all duties and responsibilities of the vice-chairperson, as well as limitations of the vice-chairperson shall be specifically listed here.

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(4) *Responsibilities of Additional Officers.* There may be additional sections as needed for every officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) *Selection of Officers.* This section shall identify how a member of the entity shall be selected for an official officer position in the entity.

(6) *Budgetary Sign-Off Authority and Travel.* This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and how the entity shall handle approving travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) *Personnel.* This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" shall consist of the following:

(1) *Regular meetings.* This section shall identify when and where regular meetings shall be held, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(2) *Emergency meetings.* This section shall identify what constitutes an emergency meeting, how emergency meetings shall be called, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular or special meeting.

(3) *Quorum.* This section shall identify how many members of an entity create a quorum.

(4) *Order of Business.* This section sets out how the agenda will be set up.

(5) *Voting.* This section shall identify voting requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of an e-poll is permissible, who will serve as the Chairperson's designee for the responsibility of conducting an e-poll, if a designee is utilized.

(d) "Article IV. Expectations" shall consist of the following information:

(1) *Behavior of Members.* This section shall identify the behavioral expectations and requirements of a member of the entity, and identify how the entity shall enforce these behavioral expectations.

(2) *Prohibition of Violence.* This section shall prohibit any violent intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens

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to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.

(3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.

(4) *Social Media*. This section shall identify expectations for the use of social media in regards to official business of the entity.

(5) *Conflict of Interest*. This section shall state any standards and expectations additional to those required by law of the Nation in regards to conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.

(e) "Article V. Stipends and Compensation" shall consist of the following information:

(1) *Stipends*. This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any in addition to those contained in this law.

(2) *Compensation*. This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any in addition to those contained in this law.

(f) "Article VI. Records and Reporting" shall consist of the following information:

(1) *Agenda Items*. Agenda items shall be maintained in a consistent format as identified by this section.

(2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the Business Committee Support Office.

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

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

(5) *Audio Recordings*. An entity shall audio record all meetings. This section shall state how the entity will audio record meetings, and how the entity shall maintain the audio records. (g) "Article VII. Amendments" consists of:

(1) *Amendments to Bylaws*. This section shall describe how amendments to the bylaws are made. Any amendments to bylaws shall conform to the requirements of this and any other policy of the Nation. Amendments to bylaws shall be

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approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation.

105.11. Electronic Polling

105.11-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.11-2. *Conducting an E-Poll.* The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official email address of the entity. The e-poll's message shall include the following information:

(a) The email subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.

(b) The body of the e-poll shall contain the following elements:

(1) An executive summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity;

(2) A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action;"

(3) All attachments in *.pdf format, which are necessary to understand the request being made; and

(4) A deadline date for a response to be returned regarding the results of the electronic poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response."

(A) E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

(B) The time frame for responses shall be determined by the Secretary of the entity, or designee, based on urgency, scheduling, and any other pertinent factors.

105.11-3. *Response to an E-Poll.* A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and his or her response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a

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vote.

105.12. Reporting Requirements

105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office within a reasonable time after approval by the entity, as identified in the entity's bylaws.

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

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

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

105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an entity shall be submitted to the Business Committee Support Office, where they shall be kept on file.

105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly reports to the Oneida Business Committee in accordance with the quarterly reporting schedule approved by the Oneida Business Committee. All quarterly reports shall be approved by official entity action before they are submitted. The quarterly reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

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

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

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

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

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

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

(e) *Budget.* The amount of the entity's budget, the status of the budget at that quarter, the amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, and projected budgetary uses for the next quarter.

(f) *Requests.* Details of any requests to the Oneida Business Committee.

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

105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council.* Entities shall provide annual reports to the Oneida General Tribal Council based on their activities during the

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previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee.

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

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

105.12-5. Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

105.13. Stipends, Reimbursement and Compensation

105.13-1. The Nation recognizes that an individual serving on an entity of the Nation, whether elected or appointed, incurs some expense as a result of his or her position on the entity. Therefore, the Nation, in order to attract individuals to serve on entities, shall pay stipends to these members in accordance with this section.

105.13-2. Compensation and reimbursement for expenses shall follow the procedures as set out in this section and according to procedures for payment as set out by the Nation, unless otherwise declined by the entity through its bylaws, or declined by a member.

105.13-3. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending the resolution.

105.13-4. *Meeting Stipends.* A member of an entity, whether elected or appointed, shall only receive a meeting stipend for a meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

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

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

105.13-5. *Oneida Judiciary Hearings.* A member of an entity may receive a Judiciary hearing stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

105.13-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of all functions related to the resolution of the matter notwithstanding the amount of time it takes to resolve the matter, including, but not limited to, any continuations of the hearing and decision drafting.

105.13-7. *Oneida Business Committee Meetings.* Up to two (2) members of an entity that attend the Oneida Business Committee meeting where the quarterly report of the entity is an agenda item, and present the quarterly report are eligible to receive a stipend.

105.13-8. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any other stipends are appropriate to compensate members of entities for their official actions. All possible stipends shall be included in the Oneida Business Committee resolution which sets stipend amounts.

105.13-9. *Conferences and Training.* A member of any entity, elected or appointed, shall be

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reimbursed in accordance with the Nation's policy for travel and per diem, for attending a conference or training. Provided that:

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

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

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

105.13-10. *Business Expenses*. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

105.13-11. *Task Force and Ad Hoc Subcommittees*. Members of task force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.14. Confidential Information

105.14-1. All members of an entity shall maintain in a confidential manner all information obtained through their position on the entity. The Nation requires that all members of an entity who have access to the Nation's confidential information be subject to specific limitations in order to protect the interest of the Nation and ensure that no persons engaged in by the Nation, nor their relatives or associates, benefit from the use of confidential information.

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

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

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

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

105.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and can only be removed or destroyed by approval from a majority vote of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Nation's laws and policies regarding open records and open meetings.

105.14-3. *Official Oneida Nation E-mail Address*. Each member of an entity shall be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.

(a) If a member is also an employee of the Nation, he or she shall receive a separate e-

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mail address from his or her regular work e-mail address.

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

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

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

105.15. Conflicts of Interest

105.15-1. All members of an entity are required to adhere to the Nation's laws and policies governing conflicts of interest.

105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's Secretary on an annual basis.

(a) Upon receiving information of a potential conflict of interest, the Nation's Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Nation regarding the status of the official.

105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political appointees and legislative assistants shall not serve on an appointed or elected entity.

105.16. Use of the Nation's Assets

105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with Generally Accepted Accounting Principles.

105.16-2. Each member of an entity shall comply with the system of internal accounting controls sufficient to provide assurances that:

(a) all transactions are executed in accordance with management's authorization; and

(b) access to assets is permitted only in accordance with management's authorization; and

(c) all transactions are recorded to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles or other applicable criteria.

105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall be immediately reported to the Internal Audit department. If the Internal Audit department finds evidence of noncompliance they shall notify the Oneida Law Office, who will then make a determination of further action to be taken, if any.

105.17. Dissolution of an Entity

105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Business Committee Support Office for proper disposal within two (2) weeks of the dissolution.

105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by

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motion of the Oneida General Tribal Council or the Oneida Business Committee. The General Tribal Council shall have the authority to dissolve an entity created by the General Tribal Council or the Oneida Business Committee, and the Oneida Business Committee shall have the authority to dissolve an entity created by the Oneida Business Committee.

105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee shall provide the entity written notice of the dissolution.

105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved entities shall be responsible for closing out open business of the entity and forwarding all materials and records to the Business Committee Support Office for proper storage and disposal within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee Support Office may utilize the assistance of the Records Management Department and/or any other appropriate department for the storage and disposal of the records and materials.

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

105.18. Enforcement

105.18-1. Any member of an entity found to be in violation of this law may be subject to:

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

End.

Adopted - BC-08-02-95-A
Amended - BC-05-14-97-F
Emergency Amendments - BC-04-12-06-JJ
Amended - BC-09-27-06-E (permanent adoption of emergency amendments)
Amended – BC-09-22-10-C
Amended – BC-



Legislative Operating Committee
May 16, 2018

Petition: G. Dallas – \$5k Per Capita Payment

Submission Date: 5/2/18	Public Meeting: n/a
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a Expires: n/a

Summary: *This petition calls for a special General Tribal Council (GTC) meeting to be held on a Saturday to allow for the greatest possible membership participation and within one hundred and twenty (120) calendar days for the purpose of ordering a special per capita payment to all members of the Nation payable within forty-five (45) days of the approval of this resolution in the amount of five thousand dollars (\$5,000).*

4/25/18 OBC: Motion by David P. Jordan to acknowledge receipt of petition submitted by Gladys Dallas re: \$5,000 Per Capita payment; 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; and to direct the Direct Report Offices to submit administrative analyses to Secretary within 30 days, seconded by Kirby Metoxen. Motion carried unanimously.

5/2/18 LOC: Motion by Jennifer Webster add Petition: Dallas \$5,000.00 Per Capita Payment to the active files list and assign Jennifer Webster as sponsor with a high priority; seconded by Ernest Stevens III. Motion carried with Kirby Metoxen opposed.

5/9/18 OBC: Motion by David P. Jordan to schedule a special General Tribal Council meeting on July 30, 2018, at 6:00 p.m. for General Tribal Council to consider the Gladys Dallas petition regarding a \$5,000 Per Capita payment, seconded by Jennifer Webster. Motion carried unanimously.

Next Steps:

- Approve the Petition: G. Dallas – \$5k Per Capita Payment 45 day update and forward to the Oneida Business Committee.



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: May 16, 2018
RE: Petition: G. Dallas - \$5k Per Capita Payment

On April 9, 2018, a petition was submitted to the Business Committee Support Office by Gladys Dallas which calls for a special General Tribal Council (GTC) meeting to be held on a Saturday to allow for the greatest possible membership participation and within one hundred and twenty (120) calendar days for the purpose of ordering a special per capita payment to all members of the Nation payable within forty-five (45) days of the approval of this resolution in the amount of five thousand dollars (\$5,000).

On April 25, 2018, the Oneida Business Committee (OBC) accepted the verified petition 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 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: May 16, 2018
- 2) Contact Person(s): Clorissa N. Santiago
Dept: Legislative Reference Office
Phone Number: (920) 606-2884 Email: csantia1@oneidanation.org
- 3) Agenda Title: Petition: Metivier - Hourly Wage Increase
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On March 28, 2018, the Oneida Trust Enrollment Department verified the Petition: Metivier - Hourly Wage
Increase authored by Yvonne Metivier. On April 11, 2018, the Oneida Business Committee accepted the
verified petition and requested that the Legislative Reference Office complete a legislative analysis within sixty
days and that a progress report be submitted within forty-five days.

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

- 1) Legislative Analysis
 - 2) _____
 - 3) _____
 - 4) _____
- 5) Please list any laws, policies or resolutions that might be affected:
see legislative analysis
 - 6) Please list all other departments or person(s) you have brought your concern to:

 - 7) Do you consider this request urgent? ☒ Yes ☐ No
If yes, please indicate why:
The legislative analysis is due back to the Oneida Business Committee.

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



Statement of Effect

Petition: Metivier - Hourly Wage Increase

Summary

This petition requests the General Tribal Council to direct the Oneida Business Committee to raise the hourly wage of all employees by one dollar and three cents (\$1.03) effective October 1, 2018.

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

Date: May 16, 2018

Analysis by the Legislative Reference Office

On March 28, 2018, the Oneida Trust Enrollment Department verified the Petition: Metivier - Hourly Wage Increase authored by Yvonne Metivier. On April 11, 2018, the Oneida Business Committee (OBC) accepted the verified Petition: Metivier - Hourly Wage Increase and directed that the Legislative Reference Office complete a legislative analysis within sixty (60) days and that a progress report be submitted within forty-five (45) days.

This petition requests the General Tribal Council (GTC) to direct the OBC to raise the hourly wage of all employees by one dollar and three cents (\$1.03) effective October 1, 2018.

All applicable laws and policies of the Nation were reviewed in developing this statement of effect, including the Budget Management and Control law ("the Law"). The Law was adopted by the OBC through resolution BC-02-08-17-C for the purpose of setting forth the requirements to be followed by the OBC and Oneida fund units when preparing the Nation's budget for consideration by the GTC. [1 O.C. 121.1-1].

The Law provides the process and procedures the OBC, the Chief Financial Officer, and various fund units of the Nation must comply with in the development of a budget. The Law requires community input budget meetings to occur before a budget is developed. [1 O.C. 121.5-2]. During the community input budget meetings, the Nation's Treasurer will allow community members an opportunity to provide input as to what should be included in the upcoming fiscal year budget. [1 O.C. 121.5-2]. The Chief Financial Officer and any other relevant managers are then required to provide responses and/or recommendations to all comments and considerations presented by community members. [1 O.C. 121.5-2(c)]. The Nation's Treasurer then is required by the Law to work with the Chief Financial Officer to place a community budget input meeting packet on the OBC agenda no later than the last OBC Meeting in January. [1 O.C. 121.5-2(d)].

The Law also requires the Nation's Treasurer to hold, at a minimum, two (2) community informational meetings to present the contents of the budget after the OBC has approved the final draft budget, but before the final draft budget has been presented to the GTC. [1 O.C. 121.5-8].

Although the Law provides opportunities for members of the community to provide input at various community budget meetings throughout the budgetary process, the Law does not address how GTC petitions or directives regarding budgetary concerns affect the budgetary process provided for in the Law.

Because the Law allows the OBC to alter deadlines contained in the law for good cause, the OBC took action through resolution BC-02-28-18-C titled, '*Extension of Time for Implementation of Budget Management and Control Act*' which extended certain timelines and requirements of the Law so that adequate input from community budget meetings and responses and/or recommendations from the Chief Financial Officer and fund unit managers could be obtained. [1 O.C. 121.5-1].

In accordance with resolution BC-02-28-18-C, the OBC will schedule one GTC budget meeting for gathering input, and one GTC meeting for approval of the budget. Additionally, the resolution requires that the OBC develop a continuing resolution to be effective until all requirements of the Budget Management and Control law are met for fiscal year 2019. It is not anticipated that the fiscal year 2019 budget would be adopted by October 1, 2018.

Conclusion

Adoption of the Petition: Metivier - Hourly Wage Increase would not result in a legislative impact as long as the procedures contained in the Budget Management and Control law are followed.

Requested Action

Accept the legislative analysis of the Petition: Metivier - Hourly Wage Increase



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



AGENDA REQUEST FORM

- 1) Request Date: May 9, 2018
- 2) Contact Person(s): Kelly McAndrews
 Dept: Law Office
 Phone Number: 920-869-4327 Email: kmcandre@oneidanation.org
- 3) Agenda Title: Rule #2- Agriculture Leases, pursuant to ch. 602 Leasing law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Rule #2- The rule is currently two standard operating procedure (SOP). Environmental, Health, Safety, and Land wishes to
continue using the SOPs by formally combining them (they are almost identical) and converting them into one rule.
Since the SOPs have existed since 2002, the exemption to rulemaking requirements in sec. 106.4-4 applies.

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

- 1) Memo
- 2) Proposed rule
- 3) SOP
- 4) _____
- 5) Please list any laws, policies or resolutions that might be affected:
none
- 6) Please list all other departments or person(s) you have brought your concern to:
n/a
- 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:
Kelly M. McAndrews

Digitally signed by Kelly M. McAndrews
 Date: 2018.05.09 16:15:31 -05'00'

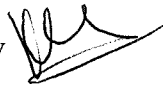
Please send this form and all supporting materials to:

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



MEMORANDUM

TO: Legislative Operating Committee

FROM: Kelly M. McAndrews, Staff Attorney 

DATE: May 2, 2018

SUBJECT: Rule #2- Agriculture Leases, pursuant to ch. 602, Leasing Law

In accordance with sec. 106.4-4 of the Administrative Rulemaking law, I am providing Rule #2- Agriculture Leases (“proposed rule”) pursuant to Ch. 602 of the Leasing Law (“Law”). I request the proposed rule be approved by the Legislative Operating Committee and published.

The Law delegates joint rulemaking authority to the Environmental, Health, Safety, and Land Division (formerly known as Land Management and referred to as “Division” herein) and Oneida Land Commission. The proposed rule is currently two standard operating procedures used by the Division combined into one rule. The Division desires to continue using the procedures herein, merely converted into a rule. The related standard operating procedures were adopted in 2007 and amended most recently in February 2013 by the Division and Land Commission. This *exemption to administrative rulemaking requirements* process is authorized by sec. 106.4-4 of the Administrative Rulemaking law.

I have reviewed the SOPs, proposed rule, and Oneida Laws and confirm the following:

- a.) There is no substantive change to content from the SOPs to the proposed rule; and
- b.) There is no conflict between the proposed rule and any law, policy, rule, or resolution of the Nation.



Title 6. LEASING – Chapter 602

Rule #2 – Agriculture LEASES

- 2.1 Purpose and Authority
- 2.2 Adoption, Amendment and Repeal
- 2.3 Definitions
- 2.4 Procedures

2.1 Purpose and Authority

2.1-1. *Purpose.* The purpose of this rule is to codify the existing standard operating procedure concerning agriculture leases and granting the Oneida Nation's agriculture leases in a manner that is in the best interest of the Nation. This rule does not apply to agriculture leases granted pursuant to a condition of sale and land acquisition. The Land Commission may, at any time, decide to set aside land not subject to a lease for a special tribal project, including, but not limited to, conservation/park area or housing/commercial development.

2.1-2. *Authority.* The Leasing law delegates joint rulemaking authority to the Environmental Health, Safety, and Land Division and the Land Commission pursuant to the Administrative Rulemaking law.

2.2. Adoption, Amendment and Repeal

2.2-1. This rule was a standard operating procedure that existed prior to the Administrative Rulemaking law. This rule is exempt from the administrative rulemaking requirements because it is a current and continued use of the existing standard operating procedure.

2.2-2. This rule may be amended or repealed by the Environmental Health, Safety, and Land Division and the Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

2.2-3. 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.

2.2-4. 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.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to agriculture leases issued pursuant to the Leasing law.

2.3. Definitions

2.3-1. 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) "Agriculture Lease" is lease issued by the Environmental Health, Safety, and Land Division on behalf of the Nation for agriculture purposes on tillable and/ or grazing land. The Nation will not approve leases for land subject to a state or federal program, including but not limited to CRP, EQIP and WHIP unless: 1) Planting and harvesting certain crops are acceptable under the terms of the program; and 2) The lessee is a tribal department.
- (b) "Approved Plans" are plans approved by NRCS and OSRAC. Approved plans are required to maintain a lease.

- (c) “Blind Bidding” (also known as “sealed bid”) is a system where parties interested in leasing tribal fee or trust land submit a written sealed bid along with an application, without knowing the bids of other interested parties.
- (d) “Business Day” means office hours of the Oneida Nation, being Monday through Friday 8:00 a.m. to 4:30 p.m. not including holidays identified by the Human Resources Department.
- (e) “Conservation Plan” is a plan developed by party or lessee which includes crop rotation, crop residue rotations and cover crop practices, conservation buffers, grassed waterways, etc. This may require working with NCRS and OSRAC.
- (f) “Conservation Reserve Program” (“CRP”) is a voluntary program administered by the Farm Services Agency that provides cost-share for specific conservation practices and annual rental payments to landowners that remove environmentally sensitive land from production.
- (g) “Cropping Methods” are farm cropping practices and, except for sub-leasing, are acceptable forms of cropping methods. Various cropping methods include:
 - i. “Cash Cropping” means growing and harvesting crops for direct sale rather than growing and harvesting crops for livestock feed or as food for the lessee’s family;
 - ii. “Custom Cropping” means a method of farming where the lessee grows and harvests only one type of crop;
 - iii. “Seasonal Assistance” is hiring people (farm hands) to assist with growing and harvesting crops on the leased premises;
 - iv. “Sub-leasing” means a method of farming utilizing a written or oral agreement between the lessee and a third party whereby the lessee directly passes the use of the leased premises to a third party and collects a fee from the third party. The agreement transfers all the risk to the third party from the lessee.
- (h) “Eco-Services” is a department within the Environmental Health, Safety, and Land Division that provides technical assistance and coordinates the planning and development of ecological restoration.
- (i) “Environmental Health, Safety, and Land Division” (Division) is the approved administrative subsidiary of the Oneida Nation to execute all agriculture leases on behalf of the Oneida Nation as Lessor.
- (j) “Environmental Quality Incentives Program” (EQIP) is a voluntary program administered by the Natural Resources Conservation Service (NRCS) that provides financial and technical assistance to agricultural producers for structural and agronomic conservation practices that address threats to the natural resources (soil, water, animals, plants, air) on their land.
- (k) “Fair Market Value” means an estimate of the market value of a property, based on what a knowledgeable, willing, and unpressured buyer would probably pay to a knowledgeable, willing, and unpressured seller in the real estate market, also, a number that is intended to reflect the value in an arm's-length transaction, consistent with the general value in the market for rentals and leases, that means the value of rental property for general agriculture purposes.
- (l) “Land Commission” is the authorized commission to approve all agriculture leases on behalf of the Oneida Nation.

- (m) “Natural Resources Conservation Services” (NCRS) is a program under the United States Department of Agriculture (USDA) that implements farm management programs and provides monetary and technical assistance. NRCS refers to the Tribal NRCS.
- (n) “Nutrient Management Plan” is a plan developed by a party or lessee, based on realistic crop yield goals, soil tests to determine the available nutrients in the field, and takes into consideration credits for nutrients from legumes and manure applications. If the land to be leased is in a flood plain or has steep slopes, the nutrient management plan addresses these concerns. This may require working with NCRS and OSRAC.
- (o) “Oneida Nation Entities” (also referred to as “tribal entity”) includes the Nation’s divisions, departments, programs, services, approved boards and commissions, and enterprises.
- (p) “Oneida Nation Register of Deeds” (ONROD) is the authorized tribal department to record all tribal fee and trust land transactions for the Oneida Nation.
- (q) “Oneida Sustainable Resources Advisory Council” (OSRAC) is a tribal entity designed to prioritize and assist in delivery of USDA programs and services.
- (r) “Oneida Nation” is a federally recognized Indian Tribe in the State of Wisconsin.
- (s) “Pest Management Plan” is a plan developed by a party or lessee identifying specific treatments for specific pests on specific areas of a field that economically protect the crop and minimize environmental damage.
- (t) “Preliminary Plans” means plan(s) approved by NRCS. Preliminary plans are required prior to entering into a lease.
- (u) “Tribal Fee Land” means land owned by the Oneida Nation that is taxable status land.
- (v) “Tribal Member” is a member enrolled with the Oneida Nation and/or businesses owned 51% or more by Tribal Members.
- (w) “Tribal Trust Land” means land owned by the Oneida Nation that is held in trust to the United States of America.
- (x) “Wildlife Habitat Incentive Program” (WHIP) is a voluntary program administered by the NRCS that provides financial and technical assistance to establish and improve fish and wildlife habitat.

2.4. Procedures

2.4-1. Determination to Advertise Land. For new leases or when a current lessee does not exercise any option to renew/ or enter into a new agriculture lease, the Commercial Leasing Specialist will:

- (a) Offer the lease, subject to the applicant lease requirements, to the Oneida Nation Farms or Tsyunhehkwa;
- (b) When the Oneida Farms or Tsyunhehkwa are not interested in leasing the land, the Commercial Leasing Specialist shall request the Land Commission provide a recommendation regarding the land and seek permission to advertise the opportunity to lease the land.

2.4-2. Establishing Fair Market Value. Fair Market Value is determined by the Land Commission in response to changing market prices and recent bids received.

2.4-3. Assembling the Application. When the Land Commission determines the land will be leased pursuant to this rule, the Commercial Leasing Specialist shall assemble the application packet, including:

- (a) The application, as developed by Commercial Leasing Specialist;
- (b) Information regarding qualifications pursuant to this rule;
- (c) The tribal enrollment verification form, if applicable;
- (d) Land survey with legal description, if applicable;
- (e) A deadline date and contact person;
- (e) Date, time and place of bid opening.
- (f) Instructions concerning marking and sealing of the bid.

2.4-4. Verification of Compliance. The Commercial Leasing Specialist will receive written verification the requirements of sec. 2.4-3 and other applicable sections of this rule and Oneida laws are complied with.

2.4-5. Public Notice and Posting. The Commercial Leasing Specialist shall draft the public notice and publically post the notice to include:

- (a) Acreage, length of lease and location of parcel available for leasing;
- (b) Location of application pick-up and drop-off;
- (c) Application (also referred to as "bid") deadline;
- (d) Method of determining who will be awarded the lease.
- (e) Posting shall occur at the following:
 - i. Kalihwisaks (minimum of one issue);
 - ii. Environmental Health, Safety, and Land Division website for at least fifteen (15) calendar days;
 - iii. At Environmental Health, Safety, and Land Division for at least fifteen (15) calendar days.

2.4-6. Receipt of Applications. Environmental Health, Safety, and Land Division administrative staff will date and time stamp applications when received and forward to the Financial Accounts Area Manager or designee, ensuring the bid remains sealed.

2.4-7. Opening the sealed bids. Only the Financial Accounts Area Manager or the designated representative are authorized to open the sealed bids. The Financial Accounts Area Manager or the designated representative shall record the bid(s) in the presence of two witnesses (preferably the Division Director and the Commercial Leasing Specialist), announce the highest and lowest bid amounts to those in attendance, and forward a copy of the bids to the Division Director and the original to the Commercial Leasing Specialist. During the bid opening, the bids remain confidential, only the dollar amount of the highest and lowest bids are disclosed.

2.4-8. Ranking the Applications.

- (a) Commercial Leasing Specialist ranks the applicants based on their bid amount from the highest bid to the lowest bid. For tribal members and tribal departments, the amount bid is increased by 10% to determine the bid rank in comparison to the other bids. For example, if a tribal member bids \$110 per acre for a lease and a non-member bids \$120 per acre for a lease, when ranking the applicants, the tribal member will be ranked as though the bid is \$121 per acre ($\$110 + 10\% = \121). In this example, the tribal member would be awarded the lease. Note: the base bid for tribal members and tribal departments must, at a minimum, meet the Fair Market Value in order to be qualified.
- (b) If the Division receives no qualified applicants, the Director may:

- i. Re-advertise at no more than 20% below the Fair Market Value or the minimum bid; or
 - ii. Re-advertise the option to lease in other newspapers at the established Fair Market Value.
 - (c) In the event of a tie for the highest bid, the Commercial Leasing Specialist shall contact the parties with the tie to offer them the opportunity to submit an additional bid within 5 business days of being notified of the tie. The new bids are ranked pursuant to the ranking procedures. If no one submits a new bid, the process repeats.
- 2.4-9. Applicant Qualifications. Parties not meeting these minimum qualifications will be removed from the ranking list.
- (a) Must have submitted application prior to the application deadline;
 - (b) Bid must meet the Fair Market Value or other established rate;
 - (c) Unless otherwise stated, must have minimum credit score of 600 if an individual, or 650 if a business;
 - (d) Must have maximum debt to income ratio of 36% if an individual or 34% if a business;
 - (e) Must be current with all tribal leases and/or loans for the one calendar year;
 - (f) Must be at least 21 years of age;
 - (g) Must not have filed for bankruptcy within the past three calendar years;
 - (h) Tribal member enrollment verification must be attached, if applicable;
 - (i) Any tribal debt must be paid within 10 business days of being notified of the opportunity to lease. This does not include debt being paid in installments.
 - (j) Businesses and tribal departments must have a current business plan in place incorporating present and projected use of tribal land for agriculture, conservation and/ or any federal program purpose(s).
- 2.4-10. Ranking of Applications. The Commercial Leasing Specialist will rank the qualified applicants. Ranking occurs as follows:
- (a) The highest bidder is designated as "Applicant A", the second highest bidder as "Applicant B", etc.
 - (b) If no qualified applicants are received, the Land Commission may consider:
 - i. Re-advertising;
 - ii. Advertising the option to lease in other newspapers;
 - iii. Leasing below the reserve when applicants timely submitted an application;
 - iv. Offering the lease to a tribal department for the reserve lease payment;
 - v. The Commercial Leasing Specialist will send all inquiries for agricultural property received from the Oneida Nation and Tribal Corporations, including the calculation of land lease fees, to the Land Commission for approval.
 - (c) The highest ranked eligible applicant will receive the opportunity to lease. If the highest ranked eligible applicant rejects the opportunity to lease, then the next highest ranked applicant receives the opportunity to lease, and so on.
 - (d) After the bidding occurs, the Commercial Leasing Specialist will prepare a report for each property advertised containing the following information:
 - i. Total number of bids;
 - ii. Amount of each bid;
 - iii. Reasons for disqualification of a bidder. The report shall not include the identity of any bidder.

2.4-11. Preliminary Plans.

- (a) Prior to entering into an agriculture lease, the applicant is required to work with NRCS to develop a preliminary conservation plan, nutrient management plan, and pest management plan. If NRCS is unavailable, the applicant is required to work with Eco Services to develop said plans.
- (b) Applicant must submit said plans to the NRCS within 10 business days of being notified of the opportunity to lease.
- (c) The NRCS is responsible for determining if such plans are acceptable and generally notifies Land Management of such acceptability within 10 business days. If no response is received from NRCS, the Commercial Leasing Specialist shall contact NRCS to obtain approval or rejection of the submitted plan(s).
- (d) If the applicant fails to submit the plan(s) to NRCS and/ or Eco Services within 10 business days, as determined in this sub-section, or the applicant does not obtain an approved plan from NRCS, the next ranked applicant is awarded the opportunity to lease or if there is no second qualified applicant, reposting will occur.

2.4-12. Drafting the Lease. After preliminary plans are approved, the Commercial Leasing Specialist shall draft the agriculture lease and obtain approval pursuant to the Division's internal policies and procedures and applicable laws. In addition to standard terms, the lease shall include the following:

- (a) Prohibition on sub-leasing, unless approved in accordance with the lease;
- (b) Participation in any federal or state crop programs requires Land Commission approval; and
- (c) Must obtain approved conservation plan, nutrient management plan, and pest management plan within 30 business days of entering into the lease.

2.4-13. Renewing Leases.

- (a) Initial lease term and renewal. All new leases shall be for a term of five (5) years with an option for the lessee to renew the lease for an additional five (5) years.
- (b) Tribal department or member. When a lease with a tribal department or tribal member will expire within one (1) year the Commercial Leasing Specialist may offer the lessee a new lease at Fair Market Value and request the current lessee to provide a soil analysis.
- (c) Non-tribal member or entity. When a lease with a non-tribal member or entity will expire within one (1) year, the lessee must submit their interest to enter into a new lease, in writing, at least six (6) months but no more than one (1) year prior to the expiration of the current lease. Unless the lease has a renewal clause, lease renewal is discretionary. The Commercial Leasing Specialist may offer the lessee a new lease at Fair Market Value and request the lessee to provide a soil analysis.

2.4-14. Consolidating existing leases. Where a tribal member lessee wishes to consolidate two or more leases into a single lease, the Commercial Leasing Specialist will offer the lessee a single lease subject to the following:

- (a) The lease term will be an overage number of years of the existing leases, averaged down to the lowest whole year;
- (b) The lease fees for each leased property shall remain the same.

2.4-15. Record Retention.

(a) Unless otherwise required, all applications are retained in the file room for a period of eighteen (18) months. After eighteen months, only those applications resulting in a lease will be retained. All other applications are destroyed after eighteen months.

(b) Unless otherwise required, all bid documents are retained and shall be filed in the file room for a period of eighteen months. After eighteen months, the records are destroyed.

End.

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



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



AGENDA REQUEST FORM

- 1) Request Date: May 9, 2018
- 2) Contact Person(s): Kelly McAndrews
 Dept: Law Office
 Phone Number: 920-869-4327 Email: kmcandre@oneidanation.org
- 3) Agenda Title: Rule #3- Commercial Leases, pursuant to ch. 602 Leasing law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Rule #3- The rule is currently a standard operating procedure (SOP). Environmental, Health, Safety, and Land wishes to
continue using the SOP by converting it into a rule. Since the SOPs have existed since 2002
the exemption to rulemaking requirements in sec. 106.4-4 applies.

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

- 1) Memo
- 2) Proposed rule
- 3) SOP
- 4) _____
- 5) Please list any laws, policies or resolutions that might be affected:
none
- 6) Please list all other departments or person(s) you have brought your concern to:
n/a
- 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:
Kelly M. McAndrews

Digitally signed by Kelly M. McAndrews
 Date: 2018.05.09 16:15:31 -05'00'

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



MEMORANDUM

TO: Legislative Operating Committee

FROM: Kelly M. McAndrews, Staff Attorney 

DATE: May 9, 2018

SUBJECT: Rule #3- Commercial Leases, pursuant to ch. 602, Leasing Law

In accordance with sec. 106.4-4 of the Administrative Rulemaking law, I am providing Rule #3- Commercial Leases ("proposed rule") pursuant to Ch. 602 of the Leasing Law ("Law"). I request the proposed rule be approved by the Legislative Operating Committee and published.

The Law delegates joint rulemaking authority to the Environmental, Health, Safety, and Land Division (formerly known as Land Management and referred to as "Division" herein) and Oneida Land Commission. The proposed rule is currently a standard operating procedure used by the Division; the Division desires to continue using the procedures herein, merely converted into a rule. The related standard operating procedure was adopted in October 2002 by the Division and Land Commission. This *exemption to administrative rulemaking requirements* process is authorized by sec. 106.4-4 of the Administrative Rulemaking law.

I have reviewed the SOP, proposed rule, and Oneida Laws and confirm the following:

- a.) There is no substantive change to content from the SOP to the proposed rule; and
- b.) There is no conflict between the proposed rule and any law, policy, rule, or resolution of the Nation.



Title 6. LEASING – Chapter 602

Rule #3 – COMMERCIAL LEASES

- 3.1 Purpose and Authority
- 3.2 Adoption, Amendment and Repeal
- 3.3 Definitions
- 3.4 Procedures

3.1 Purpose and Authority

3.1-1. *Purpose.* The purpose of this rule is to codify the existing Standard Operating Procedure concerning commercial leases, granting the Oneida Nation's Commercial Leases in a manner that is fair and equitable for tribal fee and trust lands to be used for commercial purposes. This rule does not apply to commercial leases granted pursuant to a condition of sale and land acquisition.

3.1-2. *Authority.* The Leasing law delegates joint rulemaking authority to the Environmental Health, Safety, and Land Division and the Land Commission pursuant to the Administrative Rulemaking law.

3.2. Adoption, Amendment and Repeal

3.2-1. This rule was a standard operating procedure that existed prior to the Administrative Rulemaking law. This rule is exempt from the administrative rulemaking requirements because it is a current and continued use of the existing standard operating procedure.

3.2-2. This rule may be amended or repealed by the Environmental Health, Safety, and Land Division and the Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

3.2-3. 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.

3.2-4. 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.

3.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to commercial leases issued pursuant to the Leasing law.

3.3. Definitions

3.3-1. 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) "Availability List" means a list of properties available for commercial leasing.
- (b) "Approved Plans" are plans approved by the Oneida Zoning Administrator with written recommendations to the Land Commission for final approval. Such plans include, but are not limited to:
 - i. Building Plans
 - ii. Concept paper(s)
 - iii. Letter(s) of intent
- (c) "Bureau of Indian Affairs" (BIA) is the authorized agency of the Department of Interior responsible for carrying out trust responsibilities to Indian tribes and individuals.

- (d) "Business Day" means office hours of the Oneida Nation, being Monday through Friday 8:00 a.m. to 4:30p.m. not including holidays identified by the Human Resources Department.
- (e) "Business Plan" is a plan developed by an Individual, Tribal Entity, Corporation, or Limited Liability Corporation which includes the economic cycle of prosperity followed by a decline then a return to prosperity.
- (f) "CAP Rate" (capitalization rate) is the rate of return a property will produce on the owner's investment.
- (g) "Commercial Lease" (used interchangeably with "business lease") is a lease issued by the Environmental Health, Safety, and Land Division on behalf of the Nation for commercial purposes.
- (h) "Concept Paper" is an idea, plan, or scheme outlining the vision or goal of the business. A concept paper is not limited to the history, activity, ownership, management, market, and financials of the business.
- (i) "Cultural Properties Survey Request Form" is a mandatory registration of any projects that will involve earth moving activity. This request triggers an archives literature research by Cultural Heritage. A clearance letter from Cultural Heritage is necessary before development can occur.
- (j) "Environmental Health, Safety, and Land Division" (Division) is the approved administrative subsidiary of the Oneida Nation to execute all commercial leases on behalf of the Oneida Nation as Lessor.
- (k) "Environmental Impact Request Form" is a mandatory form that starts the NEPA review on any earth moving activity.
- (l) "Finding of No Significant Impact" (FONSI) is a statement that the proposed development project has no significant impacts to the human environment that were identified in the Environmental Assessment.
- (m) "Land Commission" is the authorized commission to approve all commercial leases on behalf of the Oneida Nation.
- (n) "Land Titles and Record Office" (LTRO) is the authorized Bureau of Indian Affairs (BIA) department to record all land transactions in trust located in Aberdeen, SD.
- (o) "Land Use Technical Unit" (LUTU) is a multi-disciplinary planning team consisting of representatives of tribal departments who analyze information to provide land use recommendations to Land Commission.
- (p) "Land Use Technical Unit Phase II" (LUTU II) is a process to determine the appropriate area for development with a multi-disciplinary planning team consisting of representatives of tribal departments who analyze information to provide land use recommendations to Land Commission.
- (q) "Letter of Intent" is an idea, plan or concept outlining the vision or goal of a business plan. It can be a condensed version of the business plan. It must provide enough information on the operations of the business. The Land Commission may request a Business Plan based on the development of property.
- (r) "National Environmental Policy Act" (NEPA) is an assessment of environmental impacts for a proposed development projects before construction begins.
- (s) "Oneida Nation Register of Deeds" (ONROD) is the authorized tribal department to record all tribal fee and trust land transactions for the Oneida Nation.

- (t) "Oneida Tribal Priorities" are commercial leasing priorities determined by the Oneida Land Commission and are as follows:
 - i. Oneida Nation Entities: Includes the Nation's divisions, departments, programs, services, approved boards and commissions, and enterprises.
 - ii. Oneida Chartered Corporations: Are tribal corporations chartered under the laws, ordinances, and jurisdiction of the Oneida Nation.
 - iii. Individual Tribal Members: Are members enrolled with the Oneida Nation and/or businesses owned 51% or more by Tribal Members.
 - iv. Any others: are other non-Oneida Indians, non-tribal entities, or individuals.
- (u) "Oneida Nation" is a federally recognized Indian Tribe in the State of Wisconsin.
- (v) "Preliminary Plans" means plans or blueprints showing the layout of the improvements to the site.
- (w) "Preliminary Site Plans" means plans showing the layout of the site.
- (x) "Title Report" is a report that provides information on the title of the land that is owned by the Oneida Nation. Includes liens, outstanding leases, encroachments, easements, tax information, and any defects which may prevent clear title.
- (y) "Title Status Report" (TSR) is a report on trust land that provides information on the title of the land that has been recorded with the BIA and included with the Oneida Title Report.
- (z) "Tribal Fee Land" means land owned by the Oneida Nation that is taxable status land.
- (aa) "Tribal Trust Land" means land owned by the Oneida Nation that is held in trust to the United States of America.
- (bb) "Triple Net Lease" is a lease in which the lessee/tenant generally pays, but is not limited to: all of the operating expenses, real estate taxes, insurance, utilities, license fees, repairs, and maintenance service fees.

3.4. Procedures

3.4-1. Distribution of Commercial Development and Leasing list. All tribal fee and trust lands ready for commercial development will be compiled on a list as commercial lands become ready to be distributed. The proposed list will be placed on the Land Commission agenda semi annually, or more frequently as needed. Land that is considered ready for development, must have the following items completed:

- (a) There are no delinquent leases or debts owed to the Oneida Nation.
- (b) The LUTU has been completed.
- (c) The Land Commission has approved the LUTU(s) and LUTU Phase II recommendation, if any.
- (d) Oneida Nation Zoning submits a written report to the Land Commission on the development.
- (e) The Title Report has been completed and shows no liens, outstanding leases, encroachments and restrictions which would prevent a clear title. Such report is waived if an acquisition is less than six (6) months old when Title Insurance has been ordered in an acquisition.

3.4-2. Commercial Development and Leasing, General Interest.

- (a) An Entity, Business, or Individual may inform Environmental Health, Safety, and Land Division they are interested in leasing tribal fee and trust land for commercial

purposes. When this occurs the Commercial Leasing Specialist will send an application in accordance with sec. 3.4-3.

(b) Return of Completed Application. When the application is completed and returned, the Commercial Leasing specialist shall:

i. If the site has not been advertised and is not currently leased, refer to planning for assistance in locating a suitable site.

1. The Commercial Leasing Specilist will present this information to the Land Commission, along with planning recommendation for a decision on an option to lease, set aside land, or obtain more information, if appropriate.

ii. If the site has been advertised and is not currently leased, follow the commercial leasing process set forth in this rule.

3.4-3. Assembling the Application. The Commercial Leasing Specialist shall assemble the application packet, including:

- (a) The Application, as developed by Commercial Leasing Specialist;
- (b) Information regarding qualifications pursuant to this rule, including financial statement;
- (c) The tribal enrollment verification form, if applicable;
- (d) A deadline date and contact person;
- (e) Lease Application;
- (f) Land Survey with legal description, if applicable;
- (g) Zoning information on the land use, including LUTU.

3.4-4. Verification of Compliance. The Commerical Leasing Specialist will receive written verification the requirements of sec. 3.4-3 and other applicable sections of this rule and Oneida laws are complied with, including: zoning approval, FONSI, any sanitary permit, utilities, Cultural Heritage letter of clearance, and anything else that is applicable.

3.4-5. Public Notice and Posting. The Commerical Leasing Specialist shall draft the public notice and publically post the notice to include:

- (a) Acreage, length of lease and location of parcel available for leasing;
- (b) Location of application pick-up and drop-off;
- (c) Application deadline;
- (d) Method of determining who will be awarded the lease.
- (e) Posting shall occur at the following:
 - i. Kalihwisaks;
 - ii. Environmental Health, Safety, and Land Division website;
 - iii. At Environmental Health, Safety, and Land Division.

3.4-6. Receipt of Applications. Environmental Health, Safety, and Land Division administrative staff will date and time stamp applications when received and forward to the Commercial Leasing Specialist to rank.

3.4-7. Applicant Qualifications. The Commercial Leasing Specialist will collect all applications. If the applicant is an individual, the applicant must meet the following minimum criteria:

- (a) Must have submitted application prior to the application deadline;
- (b) Must have minimum credit score of 550, unless otherwise stated;
- (c) Must have maximum debt to income ratio of 40%;
- (d) Must be current with all current tribal leases and/or loans;
- (e) Must be at least 21 years of age;
- (f) Must not have filed for bankruptcy within past three calendar years;

(g) If applying as a tribal member, ensure enrollment verification form is attached; and any tribal debt must be paid within 10 business days of being notified of the opportunity to lease;

(h) May need to have a current business plan in place incorporating present and projected use of tribal fee and/ or trust land.

3.4-8. Ranking of Applications. The Commercial Leasing Specialist will rank the qualified applicants according to the Oneida Tribal Priorities. Ranking occurs as follows:

(a) The highest bidder is designated as "Applicant A", the second highest bidder as "Applicant B", etc.

(b) If no qualified applicants are received, the Land Commission may consider:

- i. Re-advertising;
- ii. Advertising the option to lease in other newspapers;
- iii. Leasing below the reserve when applicants timely submitted an application;
- iv. Offering the lease to a tribal department for the reserve lease payment;
- v. The Commercial Leasing Specialist will send all inquiries for commercial property received from the Oneida Nation and Tribal Corporations, including the calculation of land lease fees, to the Land Commission for approval.

3.4-9. Calculating Lease Fees. All leases will be triple net, with the exception of tribal departments or exceptional circumstances approved by the Land Commission. Additionally and accordance with secs. 602.8 of the Leasing Law, land rate determination may include: fair market value, appraisal, present value, and/ or gross or net profit.

3.4-10. Land Commission Approval.

(a) The Commercial Leasing Specialist shall submit a copy of the proposed lease to the Land Commission for approval, and include the following:

- i. Legal review of the lease and relevant portions of the application packet;
- ii. Draft resolution;
- iii. Survey map and legal description;
- ix. Disclaimer, if applicable;
- x. Anything else that may be relevant.

(b) The Land Commission may decline, table for more information, or approve the lease. After approval occurs, a Land Commission resolution is executed.

3.4-11. Execution of Lease.

(a) The Commercial Leasing Specialist shall obtain four original signed and notarized leases with the attachments listed in 3.4-10(a).

(b) The Commercial Leasing Specialist shall forward copies of the signed lease to the following:

- i. Lessee;
- ii. Lessor, for filing;
- iii. ONROD for recording;
- ix. Central Accounting;
- x. BIA, if trust land.

3.4-12. Lease Compliance. The Lessee will send the Certificate of Insurance and lease fees to the Environmental Health, Safety, and Land Division.

3.4-13. Record Retention. All completed applications will remain on file with the Commercial Leasing Specialist for one (1) year.

End.

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

2018 Semi-annual report template

For Boards, Committee, and Commissions

Note: If you have other required reporting that must be included in the 2018 Semi-annual Report, please submit such reports along with this completed template. Thank you.

Legislative Operating Committee

Purpose:

The LOC's mission is to enhance the capability of the Oneida Nation to fulfill its sovereign authority to review and enact its laws in a planned and orderly manner. The Legislative Reference Office is the support office for the LOC.

Members

David P. Jordan
Chairperson

Kirby Metoxen
Vice Chairperson

Jennifer Webster
Member

Ernest Steven III
Member

Daniel Guzman King
Member

Budget

Funding Sources for FY-2018

TRIBAL CONTRIBUTION:	100%
GRANTS:	0%

Status as of 3/31/18

Total Budget for FY-2018:		\$513,587
Budget as of 3/31/18:	Value A:	\$253,793.50
Expenditures as of 3/31/18:	Value B:	\$223,548.50
Variance as of 3/31/18:	"Value A" – "Value B" =	\$33,244.55

Explanation of variance:

The majority of the positive variance (\$22,269) is in the personnel line and is the result of a family medical leave in the first quarter.

Stipends

LOC Members do not receive stipends

Employees (if applicable)

NUMBER OF EMPLOYEES TOTAL:	5
NUMBER OF EMPLOYEES WHO ARE ENROLLED ONEIDA:	3

Update on up to three (3) Strategic Goals for FY-2018

Please refer to your 2018 Annual Report submission and provide an update on the Goals provided there

GOAL 1

Prepare and conduct Legislative Operating Committee meetings. The LOC is currently working on 45 legislative items. Examples include; Election Law amendments, GTC Meetings Law, Wellness Court, Uniform Commercial Code, and active General Tribal Council petitions. For a complete list of what the LOC is working on please go to our web page.

OBC Broad Strategic Goal which your goal supports: Advancing On^yote?a.ka Principles

Update on Goal:

Seven Legislative Operating Committee Meetings were held in the first half of FY18.

GOAL 2

Research, draft, and analyze proposed laws and amendments to existing laws.

OBC Broad Strategic Goal which your goal supports: Exercising Sovereignty

Update on Goal:

As of March 2018, the Legislative Operating Committee was working on thirty one (31) legislative items. The active files list is available for review on the Oneida Nation Legislative Operating Committee's web page.

GOAL 3

Increase public participation in the legislative process

OBC Broad Strategic Goal which your goal supports: Promoting Positive Community Relations

Update on Goal:

The LOC is working hard to increase the amount of public participation in our legislative work. New strategies are being used including social media and community pot lucks. In the first half of FY18, we have conducted eight (8) outreach efforts. A total of 377 people have participated in our efforts, and we have collected 662 comments from the community. The LOC uses this information to make decisions about the legislation we are working on.

Meetings

Held every 1st and 3rd Wednesday of the month.

Location: Norbert Hill Center, Oneida, WI, Business Committee Conference Room

Time: 9:00am

Meetings are OPEN- the public is encouraged to participate. Occasionally the LOC also holds community meetings to discuss legislation they feel is of particular interest to the community. These meetings are posted in the Kalihwisaks and on Facebook.

Stipend

LOC members do not receive stipends.

Contact

MAIN CONTACT:	David P. Jordan
MAIN CONTACT TITLE:	LOC Chairperson
MAIN PHONE NUMBER:	920-869-4483
MAIN E-MAIL:	LOC@oneidanation.org
MAIN WEBSITE:	www.oneida-nsn.gov/LOC and www.oneida-nsn.gov/Register

Pictures that MAY be included in your section of the report

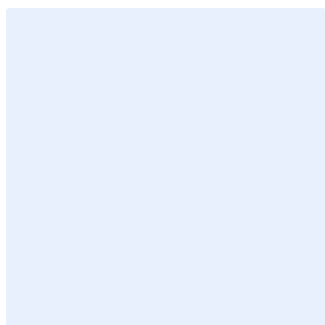
Please provide only high resolution *.jpg images

Image #1



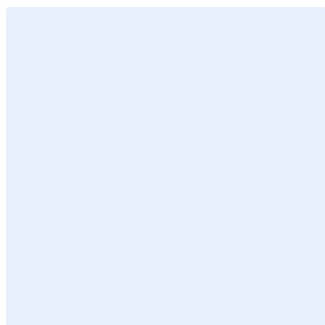
The 2017-2020 Legislative Operating Committee L-R: Ernest Stevens III, Jennifer Webster, David P. Jordan- Chairperson
Daniel Guzman King, Kirby Metoxen- Vice-Chairperson.

Image #2



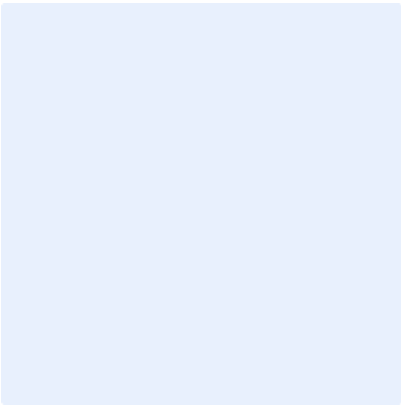
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Image #3



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Image #4



[Click here to enter description of image #4](#)

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	30	May 1	2	3	4	5
Apr 29 - May 5				9:00am 3:00pm LOC (BC_Conf_Room) - LOC	5:00pm 7:30pm Sanctions & Penalties Community Discussion and 5:00pm 7:30pm Sanctions and Penalties Law Commun	8:30am 11:00am LOC Work Meeting (BC_Exec_Conf_Room) - Jennifer A. Falck	
	6	7	8	9	10	11	12
May 6 - 12				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)		8:30am 11:00am LOC Work Meeting (BC_Exec_Conf_Room) - Jennifer A. Falck	10:00am 3:00pm GTC (Radisson)
	13	14	15	16	17	18	19
May 13 - 19			3:00pm 4:30pm LOC Prep (BC_Exec_Conf_Room) - LOC 3:00pm 4:30pm LOC Prep (BC_Conf_Room) - LOC	9:00am 3:00pm LOC (BC_Conf_Room) - LOC		8:30am 11:00am LOC Work Meeting (BC_Exec_Conf_Room) - Jennifer A. Falck	
	20	21	22	23	24	25	26
May 20 - 26				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
	27	28	29	30	31	Jun 1	2
May 27 - Jun 2							

June 2018

June 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

July 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
	May 27	28	29	30	31	Jun 1	2
May 27 - Jun 2							
	3	4	5	6	7	8	9
Jun 3 - 9		8:30am 9:00am Special BC meeting (BC_Conf_Ro om) - TribalSecreta ry		9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC			
	10	11	12	13	14	15	16
Jun 10 - 16				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
	17	18	19	20	21	22	23
Jun 17 - 23			3:00pm 4:30pm LOC Prep (BC_Conf_Ro om) - LOC 3:00pm 4:30pm LOC Prep (BC_Exec_Con f_Room) - LOC	9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC			
	24	25	26	27	28	29	30
Jun 24 - 30				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			