

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

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105.1. Purpose and Policy

105.1-1. It is the purpose of this policy to govern the standard procedures regarding the appointment of persons to boards, committees and commissions, creation of by-laws, maintenance of official records, compensation, and other items related to boards, committees and commissions. This policy does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy to have consistent and standard procedures for choosing and appointing the most qualified persons to boards, committees and commissions, for creation of by-laws 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 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.

105.2-2. This policy may be amended pursuant to the procedures set out in the Oneida Administrative 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 or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

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rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this policy is hereby repealed to the extent that it is inconsistent with or is contrary to this policy.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date of the amendments] shall remain unaffected, but prior exceptions to this policy for appointed entities shall be repealed to extent that meeting stipends are inconsistent with this policy.

105.3. Definitions

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

(a) "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.

- (b) "Vacancy" means any position on any board, committee or commission caused by resignation, end of term, removal, termination, or creation of a new position.
- (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) "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" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.
- (g) "Per Diem" means the payment made by the Tribe to offset the costs of being out-of-town or to travel on behalf of the Oneida Tribe of Indians of Wisconsin.
- (h) "Stipend" means that amount paid by 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 on an entity of the Oneida Tribe.

105.4. Applications

105.4-1. All applications shall be generated by the Tribal Secretary's Office and approved by the Oneida Business Committee.

105.4-2. The content of applications shall be as follows:

- (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.

105.4-3. Applications shall be filed with the Tribal Secretary's 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.

<p>Your application was received on:</p> <p>Tentative date for appointment or election:</p> <p>You application 9 is 9 is not being considered.</p> <p>For more information, call the Tribal Secretary's Office at 869-2214.</p>

105.4-4. Applications for elected positions shall be verified according to the Oneida Election Ordinance. Applications for appointed positions shall be verified by the Tribal Secretary's Office as needed or as required in the by-laws of the entity.

105.4-5. In the event that there are insufficient applicants after the deadline date has passed for appointed positions, the Tribal Chairperson 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.

105.5. Vacancies

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

105.5-2. The following vacancies shall be effective as listed herein.

- (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.
- (b) Removal. Removal is effective, under adopted and approved procedures of the entity, when the final action has taken place. Where a final action is defined as
 - (1) failure to file a timely appeal,
 - (2) denial of appeal, or
 - (3) final written opinion is filed.
- (c) Resignation. A resignation is effective upon:
 - (1) Deliverance of a letter to the entity, or
 - (2) Acceptance by motion of the entity of a verbal resignation.
- (d) New Positions. Vacancies on new entities are effective upon adoption of by-laws.
- (e) Interim Positions. Vacancies of interim positions are effective upon creation of interim positions by the Oneida Business Committee or General Tribal Council.

105.5-3. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee. The following guidelines are minimum notice requirements:

- (a) End of Term. Entity should be notified 60 days prior to end of term by the Tribal Secretary.
- (b) Removal or Resignation. Entity should be notified as soon as final action is taken by the Oneida Business Committee or General Tribal Council to accept the resignation, or final action according to any Removal law of the Tribe.

105.5-4. Notice of vacancies shall be by the Tribal Secretary's Office in the following locations:

- (a) Tribal Secretary's Office

(b) The Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the South Eastern Wisconsin Oneida Tribal Services (SEOTS) building and the Highway 54 and E & EE Oneida One Stops.

(c) Kalihwisaks

(d) Minutes of the Oneida Business Committee, and

(e) Any reasonable location requested by the entity.

105.5-5. The Tribal Secretary's Office shall forward the notice of vacancy to the Oneida Business Committee for approval and direction to post notice as set out in this section. The Tribal Secretary shall post notice of vacancies at the following times:

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

(b) Removal. Upon notice by Secretary, or other person authorized by the by-laws of the entity, to the Tribal Secretary's Office.

(c) Resignation. Upon notice by the Secretary, or other person authorized by the by-laws of the entity, to the Tribal Secretary's Office.

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

(1) if not specified, immediately upon creation of entity or adoption of by-laws, 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 the next Oneida Business Committee meeting following the termination of appointment.

105.6. Appointed Positions

105.6-1. All appointments shall be made by the Oneida Business Committee at regular or special Oneida Business Committee meetings. Provided that, no applicant may be appointed who fails to meet the requirements set out in the entity's by-laws.

105.6-2. The following procedures shall be used to determine who shall be appointed:

(a) Five (5) business days after close of notice, all applications shall be delivered to the Tribal Chairperson along with a summary of qualifications to hold office.

(b) Within a reasonable time, the Tribal Chairperson shall:

(1) choose an applicant for appointment, or

(2) ask the Tribal Secretary's Office to re-notice the 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 regular or special Oneida Business Committee meeting.

105.6-3. All appointments are official upon taking an oath at a 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 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 make the appointee aware of their duty to the Oneida Tribe and as members of the entity.

105.6-4. The Tribal Secretary shall notify all applicants of the final status of their application. The Tribal Chairperson shall forward a list of all applicants to the Tribal Secretary and the final decision regarding the selection after the procedures in sec. 6-2 are completed. Provided that, the Tribal Secretary shall include on the notice to the applicant 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 reports all income paid by the 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."

105.7-2. All other processes shall be as directed in the Oneida Election Law.

105.7-3. All elected positions are official upon taking an oath at a regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the entity shall vest upon 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 member and the entity.

© 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, 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 make the appointee aware of their duty to the Tribe and as members of the entity.

105.8. By-Laws of Boards, Committees and Commissions

105.8-1. By-Laws of all Boards, Committees and Commissions shall conform to this outline. All existing entities must comply with this format and present by-laws 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.

105.8-2. Specifically excepted from this section are Task Forces and Ad Hoc Committees. However, these entities must have, at minimum, mission or goal statements for completion of the task.

105.8-3. There shall be the following Articles:

- (a) Article I. Authority.
- (b) Article II. Officers
- (c) Article III. Meetings
- (d) Article IV. Reporting
- (e) Article V. Amendments

105.8-4. Sections. Articles shall be divided into "Sections" as set out.

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

- (1) Name. All entities should list the full name of the entity. In addition, there should be listed any short name that will be officially used.
- (2) Authority. This section should state the citation and name, if any, of the creation document.
- (3) Office. There should be listed the official office or post box of the entity.
- (4) Membership. The following information should be in this section:
 - (A) Number of members;
 - (B) How elected or appointed;
 - (C) How vacancies are filled
 - (D) The qualifications of the members.

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

- (1) Chair and Vice-Chair. This section creates the positions of the entity. Other positions may also be created here.
- (2) Chair duties. Because of the importance of this position, those duties and limitations should be specifically listed.
- (3) Vice-Chair duties. Because of the importance of this position, those duties and limitations should be specifically listed.
- (4) Additional Offices and Duties. There should be additional sections as needed for every office created in subsection 1 above.
- (5) How chosen. There should be specifically set out how a member of the entity will occupy an official position as set out in this section.

- (6) Personnel. State entities authority for hiring personnel and the duties of such personnel.
- (c) "Article III. Meetings" consists of the following information:
 - (1) Regular meetings. There shall be listed when and where regular meetings shall be held, and, how notice of the agenda, documents, and minutes will be disbursed to the members.
 - (2) Emergency meetings. There shall be listed how Emergency meetings shall be called and noticed.
 - (3) Quorum. This section shall list how many members 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 voting shall be taken, what percentages shall be needed to pass different items.
- (d) "Article IV. Reporting" consists of the following information:
 - (1) Agenda items shall be in an identified format.
 - (2) Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity.
 - (3) 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.
 - (4) Entities will report to the Oneida Business Committee member who is their designated liaison. This reporting format may be as the liaison and entity agree to, but not less than that required in any 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 is to uphold the ability of the liaison to act as a support to that entity.
- (e) "Article V. Amendments" consists of:
 - (1) Amendments to By-laws. There should be described how amendments to the by-laws shall take place. Provided that, amendments conform to the requirements of this and any other policy. Provided further, that amendments are approved by the Oneida Business Committee prior to implementation.

105.9. Minutes

105.9-1. All minutes shall be submitted to the Tribal Secretary's Office within a reasonable time after approval by the entity.

105.9-2. Actions taken by an entity are valid when minutes are approved, provided that, minutes are filed according to this section, and any specific directions within approved by-laws.

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 of that entity.

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. All other entities of the Tribe shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee. Unless otherwise indicated, the materials generated by these entities shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution.

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

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

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.

(a) Members serving on the Oneida Child Protective Board shall be exempt from the \$50 stipend per month limitation and shall receive a \$50 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. 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.

105.11-6. *Conferences and Training.* A member of any entity, elected or appointed, shall be reimbursed in accordance with the Tribal 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. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

105.11-8. Task Force members and members of subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.12. Confidential Information

105.12-1. 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 of the Tribe. It is in the best interest of the Oneida Tribe that all officials maintain in a confidential manner all information, whether of historical, immediate, or future use or need. The Oneida Tribe desires that all officials who have access to the Oneida Tribe'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 that no persons engaged in by the Tribe, 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. Confidential information shall be considered and kept as the private and privileged records of the Oneida Tribe 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 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 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 and the entity.

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

105.12-6. No official shall disclose confidential information acquired by reason of his/her relationship or status with the Oneida Tribe for his/her personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

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 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.

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 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 bank accounts for tribal funds shall be maintained in the name of the Oneida Tribe and will be reflected on the Oneida Tribe's books in accordance with Generally Accepted Accounting Procedures.

105.13-20. Each official 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.

105.13-21. 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. Any evidence of noncompliance with any policy regarding the use of tribal assets shall be immediately reported to the internal audit staff. If the internal audit staff 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.

Subpart H. Enforcement And Penalties

105.13-25. Officials found to be in violation of this policy may be removed pursuant to the Removal Law if elected or have their appointment terminated if appointed.

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-8-2-95-A

Amended - BC-5-14-97-F

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

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

Amended – BC-09-22-10-C