



## Oneida Business Committee

Executive Session  
8:30 AM Tuesday, September 24, 2019  
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting  
8:30 AM Wednesday, September 25, 2019  
BC Conference Room, 2nd floor, Norbert Hill Center

### Agenda

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Meeting agenda is available here: [oneida-nsn.gov/government/business-committee/agendas-packets/](https://oneida-nsn.gov/government/business-committee/agendas-packets/). Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

#### I. CALL TO ORDER

#### II. OPENING

- A. **Special Recognition for Year of Service**  
Sponsor: Geraldine Danforth, Area Manager/Human Resources

#### III. ADOPT THE AGENDA

#### IV. OATH OF OFFICE

- A. **Oneida Community Library Board - Waehiahoweh Maracle**  
Sponsor: Lisa Summers, Secretary
- B. **Oneida Environmental Resource Board - Gerald Jordan, Weldon "Ted" Hawk, and Angela Parks**  
Sponsor: Lisa Summers, Secretary
- C. **Public Safety Officer Pension Board - Nathan Ness, Stacy Prevost, Alexis Woelfel, and Larry Jordan**  
Sponsor: Sandra Reveles, Chair/Oneida Police Commission

#### V. MINUTES

- A. **Approve the revised August 29, 2019, quarterly reports Buisness Committee meeting minutes**  
Sponsor: Lisa Summers, Secretary



- B. **Approve the September 11, 2019, regular Business Committee meeting minutes**  
Sponsor: Lisa Summers, Secretary

## VI. RESOLUTIONS

- A. **Adopt resolution entitled Interpreting “Fiscal Impact Statement” in the Legislative Procedures Act**  
Sponsor: David P. Jordan, Councilman
- B. **Adopt resolution entitled Updated Statement of Effect Requirement for Resolutions**  
Sponsor: David P. Jordan, Councilman
- C. **Adopt resolution entitled Support for Great Law Recital in Oneida Nation Community**  
Sponsor: Tehassi Hill, Chairman and Trish King, Treasurer
- D. **Adopt resolution entitled Triennial Goals – Trending – Budget Guidance Resolution**  
Sponsor: Trish King, Treasurer
- E. **Adopt resolution entitled Approve Changes to the Enterprise 401(k) Plan**  
Sponsor: Larry Barton, Chief Financial Officer

## VII. STANDING COMMITTEES

### A. FINANCE COMMITTEE

1. **Approve the September 16, 2019, regular Finance Committee meeting minutes**  
Sponsor: Trish King, Treasurer

### B. LEGISLATIVE OPERATING COMMITTEE

1. **Accept the September 4, 2019, regular Legislative Operating Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman
2. **Adopt Judiciary law rule # 1 - Oneida Trial Court Rules**  
Sponsor: David P. Jordan, Councilman
3. **Approve the Anna John Resident Centered Care Community Board bylaws amendments**  
Sponsor: David P. Jordan, Councilman
4. **Approve the Oneida Community Library Board bylaws amendments**  
Sponsor: David P. Jordan, Councilman
5. **Approve the Oneida Election Board bylaws amendments**  
Sponsor: David P. Jordan, Councilman
6. **Approve the Oneida Nation Veterans Affairs Committee bylaws amendments**  
Sponsor: David P. Jordan, Councilman



7. **Approve the Oneida Police Commission bylaws amendments**  
Sponsor: David P. Jordan, Councilman
8. **Approve the Oneida Pow-wow Committee bylaws amendments**  
Sponsor: David P. Jordan, Councilman

**C. QUALITY OF LIFE COMMITTEE**

1. **Accept the August 15, 2019, regular Quality of Life Committee meeting minutes**  
Sponsor: Brandon Stevens, Vice-Chairman

**VIII. TRAVEL REQUESTS**

- A. **Approve the travel request in accordance with §219.6-1 - Fifteen (15) Oneida Nation Veterans Affairs Committee members - Warriors' Circle of Honor memorial dedication - Washington DC - November 10-13, 2020**  
Sponsor: Gerald Cornelius, Chair/ONVAC
- B. **Approve the travel request - Councilman Kirby Metoxen - Treaty Days - Bayfield, WI - September 29-30, 2019**  
Sponsor: Kirby Metoxen, Councilman
- C. **Approve the travel request - Councilman Kirby Metoxen - Repatriation of Oneida Children from Carlisle Boarding School - Hudson, WI - October 5-6, 2019**  
Sponsor: Kirby Metoxen, Councilman
- D. **Approve the travel request - Chairman Tehassi Hill, Secretary Lisa Summers, and one (1) additional Business Committee member - National Congress of American Indians 76th Annual Convention & Marketplace - Albuquerque, NM - October 20-25, 2019**  
Sponsor: Lisa Summers, Secretary

**IX. NEW BUSINESS**

- A. **Review the Complimentary Services or Items (Chapter 7) Oneida Gaming Minimum Internal Controls and determine appropriate next steps**  
Sponsor: Mark A. Powless Sr., Chair/Oneida Gaming Commission
- B. **Approve the Intergovernmental Agreement between Oneida Nation and Brown County for Consolidation of Public Safety Dispatch - file # 2019-0954**  
Sponsor: Sandra Reveles, Chair/Oneida Police Commission
- C. **Accept the Oneida Personnel Commission September 2019 update**  
Sponsor: Lisa Summers, Secretary



**X. GENERAL TRIBAL COUNCIL**

- A. Accept the Fiscal Year 2021 budget calendar**  
Sponsor: Trish King, Treasurer

**XI. EXECUTIVE SESSION****A. REPORTS**

- 1. Accept the Chief Counsel report**  
Sponsor: Jo Anne House, Chief Counsel
- 2. Accept the Intergovernmental Affairs, Communications, and Self-Governance September 2019 report**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- 3. Accept the General Manager report**  
Sponsor: Debbie Thundercloud, General Manager

**B. STANDING ITEMS**

- 1. ONEIDA GOLF ENTERPRISE CORPORATION - LADIES PROFESSIONAL GOLF ASSOCIATION**
  - a. Defer the Thornberry Creek LPGA Classic September 2019 report to the October 23, 2019, regular Business Committee meeting**  
Sponsor: Eric McLester, Agent/Oneida Golf Enterprise

**C. UNFINISHED BUSINESS**

- 1. Adopt resolution entitled Naming Individuals as Authorized Persons for SagePoint Accounts**  
Sponsor: Larry Barton, Chief Financial Officer

*EXCERPT FROM SEPTEMBER 11, 2019: Motion by Trish King to defer the resolution entitled Naming Individuals as Authorized Persons for SagePoint Accounts to the September 25th, 2019, regular Business Committee meeting, seconded by David P. Jordan. Motion carried.*

- 2. Adopt resolution entitled Confirming Guaranty Commitment for OESC and Affiliates**

Sponsor: Jacquelyn Zalim, Chair/Oneida ESC Group, LLC Board of Manager

*EXCERPT FROM AUGUST 28, 2019: Motion by Jennifer Webster to support Oneida ESC Group LLC entering into a line of credit using the Oneida Nation as guarantor, noting a final approval will be brought when ready, seconded by Daniel Guzman King. Motion carried.*



**D. NEW BUSINESS**

1. **Approve the 2020 compensation increase for BC-DR07**  
Sponsor: OBC Officers
2. **Approve promissory note for bridge loan - file # 2019-0962**  
Sponsor: Pete King III, Agent/Oneida Seven Generations Corporation
3. **Adopt resolution entitled Additional Authorization Regarding Oneida Seven Generations Dissolution**  
Sponsor: Pete King III, Agent/Oneida Seven Generations Corporation
4. **Consider a request from the Oneida Pow-wow Committee pursuant to §105.7-4**  
Sponsor: Tonya Webster, Chair/OPwC
5. **Approve the Transamerica and Valley Investment Solutions-Amendment No. 2 to the Oneida Nation Enterprise 401(k) Plan - file # 2017-1511**  
Sponsor: Larry Barton, Chief Financial Officer

**XII. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov) pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: [oneida-nsn.gov/government/business-committee/agendas-packets/](http://oneida-nsn.gov/government/business-committee/agendas-packets/)

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214



**Oneida Business Committee Agenda Request**

Special Recognition for Year of Service

**1. Meeting Date Requested:** 10 / 09 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

4th Quarter 2019 Group 1 - Presentation of Years of Service Certificates and Award to twenty-four (24) employees by their immediate supervisor along with the Business Committee.

**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**

Authorized Sponsor / Liaison:

  
Geraldine Danforth, Area Manager/Human Resource Department

Primary Requestor/Submitter:

Additional Requestor:

Additional Requestor:



**Oneida Business Committee Agenda Request****6. Cover Memo:**

Describe the purpose, background/history, and action requested:

HRD coordinates efforts, on a quarterly basis, with all supervisors and the Business Committee to recognize employees who have reached the 25+ years milestone. With the assistance from each supervisor, HRD will create the certificate to be presented to the Years of Service recipient.

The number of recipients for 4th Quarter 2019 is 45 as compared to an average of 20 recipients in past quarters, therefore, we broke the 4th Quarter recipients into 2 groups. This is the first group to be recognized on October 9th.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



## YEARS OF SERVICE RECIPIENTS 4TH QUARTER 2019 JULY - SEPTEMBER

| NAME                 | SUPERVISOR             | DOH          | YOS | OCTOBER 9TH GROUP 1 |
|----------------------|------------------------|--------------|-----|---------------------|
| SCHUYLER,SHIRLEY J   | FUSS,CHAD M            | Jul 10, 1979 | 40  |                     |
| CORNELIUS,HENRIETTA  | STEMPSKI,WILLIAM J     | Sep 24, 1979 | 40  |                     |
| VANWYCHEN,TERRY A    | WILDENBERG,JAMES D     | Aug 17, 1979 | 40  |                     |
| DOXTATOR,MICHELE M   | HILL,JR,TEHASSI TASI W | Sep 21, 1984 | 35  |                     |
| SKENANDORE,THERESA M | DANFORTH,MELINDA K     | Aug 1, 1984  | 35  |                     |
| TORREZ,THERESA M     | NINHAM,PAMELA F        | Sep 4, 1984  | 35  |                     |
| HILL,C S             | VANSCHYNDEL,TAMARA J   | Jul 10, 1984 | 35  |                     |
| SKOLASKI,CHERYL      | SUMMERS,LISA           | Sep 24, 1984 | 35  |                     |
| CORNELIUS,CALVIN L   | RENTMEESTER,KEVIN S    | Aug 7, 1989  | 30  |                     |
| METOXEN,MARY E       | BRAATEN,BLAIR A        | Sep 18, 1989 | 30  |                     |
| JOURDAN,TINA L       | CORNELIUS,JR,RONALD    | Sep 25, 1989 | 30  |                     |
| JOURDAN,MICHAEL L    | DOXTATER,SALLY A       | Aug 31, 1989 | 30  |                     |
| JOURDAN,VICTORIA A   | KING,KATHLEEN E        | Jul 14, 1989 | 30  |                     |
| THOMAS,MAXINE        | MOUSSEAU,SHARON A      | Jul 14, 1989 | 30  |                     |
| NINHAM,FAYE A        | NEVILLE,LUCY A         | Sep 11, 1989 | 30  |                     |
| OSTERBERG,ANTOINETTE | PEGUERO,YVETTE M       | Aug 17, 1989 | 30  |                     |
| THOMAS,CYNTHIA A     | SKENANDORE,ARTLEY      | Sep 3, 1989  | 30  |                     |
| WILLIAMSON,SARAH     | PEGUERO,YVETTE M       | Aug 17, 1989 | 30  |                     |
| KOLITSCH,BARBARA A   | NEVILLE,LUCY A         | Aug 17, 1989 | 30  |                     |
| SIELOFF,SANDY M      | SLABY,LISA L           | Sep 25, 1989 | 30  |                     |
| DUQUAINE,LINDA M     | PREVOST,JEFFREY L      | Jul 1, 1994  | 25  |                     |
| OROSCO,LEYNE C       | JORDAN,DAVID P         | Jul 4, 1994  | 25  |                     |
| SILVA,CAROL          | STRONG,LOIS            | Jul 5, 1994  | 25  |                     |
| REDHAIL,ROY A        | SKENANDORE,ARTLEY      | Aug 8, 1994  | 25  |                     |



Oneida Business Committee Agenda Request

Oneida Community Library Board - Waehiahoweh Maracle

1. Meeting Date Requested: 09 / 25 / 19

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header: Oaths of Office

- ☐ Accept as Information only
- ☒ Action - please describe:

Administer Oath of Office to Waehiahoweh Maracle for the Oneida Community Library Board.

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.



**Oneida Business Committee Agenda Request****6. Cover Memo:**

Describe the purpose, background/history, and action requested:

On September 11, 2019 the Oneida Business Committee appointed Waehiahoweh Maracle to the Oneida Community Library Board.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



Oneida Business Committee Agenda Request

Oneida Environmental Resource Board - Gerald Jordan, Weldon "Ted" Hawk, and Angela Parks

1. Meeting Date Requested: 09 / 25 / 19

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header: Oaths of Office

- ☐ Accept as Information only
- ☒ Action - please describe:

Administer Oath of Office to Gerald Jordan, Weldon "Ted" Hawk, and Angela Parks for the Oneida Environmental Resource Board.

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☐ Other:

1.

2.

3.

4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

On September 11, 2019 the Oneida Business Committee appointed Gerald Jordan, Weldon "Ted" Hawk and Angela Parks to the Oneida Environmental Resource Board.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



Jo Anne House, PhD | Chief Counsel  
James R. Bittorf | Deputy Chief Counsel  
Kelly M. McAndrews | Senior Staff Attorney  
Patricia M. Stevens Garvey  
Michelle L. Gordon  
Krystal L. John  
Carl J. Artman, III

Public Safety Officer Pension Board - Nathan Ness, Stacy Prevost, Alexis Woelfel, and Larry Jordan  
Law Office



## MEMORANDUM

**TO:** Jo Anne House, Chief Counsel  
Cc: April Skenandore, Executive Assistance, OPD  
Lisa Liggins, Spec- Information Management, OBC  
**FROM:** Kelly M. McAndrews, Senior Staff Attorney Kelly M. McAndrews  
**DATE:** September 12, 2019

Digitally signed by Kelly M. McAndrews  
Date: 2019.09.12 10:51:06 -05'00'

**SUBJECT:** Public Safety Officer Pension Plan Board and applicability of the Boards, Committees and Commissions law

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### FACTS

On December 21, 2005 The Oneida Business Committee (“Business Committee”) approved, adopted, and ratified the Public Safety Officer Pension Plan (“Plan”). BC Resolution 12-21-05-B. The Plan document implemented a pension plan for the Nation’s police officers on par “with th[at] offered to other police officers within the State of Wisconsin under the State police pension system.” The Plan is a tax qualified plan under the provisions of Sec. 401(a) of the Internal Revenue Code and further intended to constitute a governmental plan within the meaning of Sec. 414(d) of the code and Sec. 3(32) of the Employee Retirement Income Security Act of 1974.

The Business Committee adopted the Plan (and Plan document) and authorized the Public Safety Plan Board (“Board”) to serve as Plan Administrator in accordance with the terms of the Plan.

### QUESITON PRESENTED

Whether the Nation’s Boards, Committees and Commissions law (“Law”) applies to the Board.

### BRIEF ANSWER

No. The Law applies to “boards, committees, and commissions of the Nation”. The distinction may be a fine one: while the Board was authorized by the Nation, the Board is not a Board “of the Nation”. The Board is governed by the Plan document. The Board’s structure, responsibilities, powers, and duties are set forth in the Plan. The Board is neither elected by the Nation’s voting membership, nor appointed by the Business Committee. The Board serves without stipends and exercises its discretion with respect to Plan decisions. Additionally, the Board’s Oath of Office is specific to its Plan responsibilities. While the Board must comply with applicable laws (including tribal law), this Law does not apply because the Board is an entity of the Plan. Simply, the Board was created by a contract (the Plan) and is governed by that contract.



Approve the revised August 29, 2019, quarterly reports Buisness Committee meeting minutes

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## Business Committee Agenda Request

1. Meeting Date Requested: 09/25/19

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☒ REVISED draft Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☒ Other: Approved 8/29/19 BC meeting minutes; Notated version of five (5) substantive corrections.

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: Lisa Liggins, Information Management Specialist

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS





## Business Committee Agenda Request – Cover Memo

**From:** Lisa Liggins, Information Management Specialist

**Date:** 09/11/2019

**RE:** Revised minutes for the August 29, 2019, quarterly reports Business Committee meeting

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### **PURPOSE**

The purpose of this request is to ensure an accurate record of the quarterly reports Business Committee meeting held on August 29, 2019, is maintained.

### **BACKGROUND**

Draft minutes for the August 29, 2019, quarterly reports Business Committee meeting were submitted for consideration at the September 11, 2019, regular Business Committee meeting. Action was taken to approve these minutes.

While finalizing these minutes some errors were noted. Although generally cosmetic (unneeded roll calls, time stamp placement, missing time stamps from departures/arrivals of BC members, punctuation, etc.), there five (5) substantive errors. Specifically, the voting record for:

- 1) Item IV.B.5.
- 2) Item IV.C.1.
- 3) Item IV.C.3.
- 4) Item IV.C.4.
- 5) Item V.

A notated version of the minutes including these corrections is attached for your reference. A clean copy of the revised minutes are also submitted for your consideration.

### **REQUESTED ACTION**

Approve the revised August 29, 2019, quarterly reports Business Committee meeting minutes





## Oneida Business Committee

Quarterly Reports Meeting  
8:00 AM Thursday, August 29, 2019  
BC Conference Room, 2nd floor, Norbert Hill Center  
Minutes

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### QUARTERLY REPORTS MEETING

**Present:** Chairman Tehassi Hill, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

**Not Present:** Vice-Chairman Brandon Stevens, Secretary Lisa Summers

**Arrived at:**

**Others present:** Marlene (Minnie) Garvey, Gene Schubert, Valerie Groleau, Bridget John, Michele Doxtator, Jeanette Ninham, Tonya Webster, Eric Mc Lester, Sandra Reveles

### **I. CALL TO ORDER**

*Meeting called to order by Chairman Tehassi Hill at 8:02 a.m.*

*For the record: Vice-Chairman Brandon Stevens is out on a personal day. Secretary Lisa Summers is on medical leave.*

### **II. OPENING (00:00:12)**

*Opening provided by Councilman Daniel Guzman King.*

### **III. ADOPT THE AGENDA (00:02:05)**

Motion by David P. Jordan to adopt the agenda as presented, seconded by Kirby Metoxen. Motion carried:

|              |   |
|--------------|---|
| Ayes:        | Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster |
| Not Present: | Brandon Stevens, Lisa Summers   |



## IV. REPORTS

### A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS

**1. Accept the Anna John Resident Centered Care Community Board FY-2019 3rd quarter report (00:05:57)**

Sponsor: Candace House, Chair/AJRCCC Board

Motion by Ernie Stevens III to accept the Anna John Resident Centered Care Community Board FY-2019 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**2. Accept the Oneida Nation Arts Board FY-2019 3rd quarter report**

Sponsor: Desirae Hill, Chair/ONAB (00:12:49)

Motion by Jennifer Webster to accept the Oneida Nation Arts Board FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**3. Accept the Environmental Resource Board FY-2019 3rd quarter report**

Sponsor: Marlene Garvey, Chair/Environmental Resource Board (00:16:25)

Motion by David P. Jordan to accept the Environmental Resource Board FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**4. Accept the Oneida Community Library Board FY-2019 3rd quarter**

Sponsor: Dylan Benton, Chair OCLB (00:20:25)

Motion by David P. Jordan to accept the Oneida Community Library Board FY-2019 3rd quarter, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**5. Accept the Police Commission FY-2019 3rd quarter report**

Sponsor: Sandra Reveles, Chair/OPC (00:34:05)

Motion by David P. Jordan to accept the Police Commission FY-2019 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers



**6. Accept the Oneida Pow Wow Committee FY-2019 3rd quarter report**

Sponsor: Jennifer Webster, Councilwoman (00:42:49)

Motion by David P. Jordan to accept the Oneida Pow Wow Committee FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**7. Accept the Oneida Nation Veterans Affairs Committee FY-2019 3rd quarter report (00:49:54)**

Sponsor: Gerald Cornelius, Chair/ONVAC

Motion by David P. Jordan to accept the Oneida Nation Veterans Affairs Committee FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**8. Accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2019 3rd quarter report (00:55:25)**

Sponsor: Kathryn LaRoque, Chair/SEOTS

Motion by Jennifer Webster to accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**9. Accept the Pardon and Forgiveness Screening Committee FY-2019 3rd quarter report (00:57:07)**

Sponsor: Eric Boulanger, Chair PFSC

Motion by Jennifer Webster to accept the Pardon and Forgiveness Screening Committee FY-2019 3rd quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

*Item IV.B.4. is addressed next.*

**B. ELECTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept the Oneida Nation Commission on Aging FY-2019 3rd quarter report**

Sponsor: Patricia Lassila, Chair/ONCOA

Motion by Jennifer Webster to accept the Oneida Nation Commission on Aging FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers



**2. Accept the Oneida Gaming Commission FY-2019 3rd quarter report**

Sponsor: Kirby Metoxen, Councilman

*Roll call for the record:*

*Present: Chairman Tehassi Hill; Councilman Daniel Guzman King; Councilman David P. Jordan; Treasurer Trish King; Councilwoman Jennifer Webster;*

*Not Present: Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Secretary Lisa Summers;*

Motion by Kirby Metoxen to accept the Oneida Gaming Commission FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Council member David P Jordan exited*

*Councilman Earnie Stevens exited, also Councilman Kirby Metoxen exited*

*Councilman David Jordan Returned at 9:46am*

**3. Accept the Oneida Land Claims Commission FY-2019 3rd quarter report**

Sponsor: Loretta V Metoxen, Chair/OLCC

*Roll call for the record:*

*Present: Chairman Tehassi Hill; Councilman Daniel Guzman King; Councilman David P. Jordan; Treasurer Trish King; Councilman Kirby Metoxen; Councilwoman Jennifer Webster;*

*Not Present: Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Secretary Lisa Summers;*

Motion by David P. Jordan to accept the Oneida Land Claims Commission FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Jennifer Webster

Abstained: Kirby Metoxen

Not Present: Brandon Stevens, Ernie Stevens III, Lisa Summers

*Councilmember Kirby Metoxen returned*

**4. Accept the Oneida Nation School Board FY-2019 3rd quarter report**

Sponsor: Lisa Liggins, Chair/ONSB (01:06:22)

Motion by Kirby Metoxen to accept the Oneida Nation School Board FY-2019 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

*Item IV.B.1 is addressed next.*



**5. Accept the Oneida Election Board FY-2019 3rd quarter report**

Sponsor: Vicki Cornelius, Chair/OEB (01:51:07)

Motion by Jennifer Webster to accept the Oneida Election Board FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Jennifer Webster

Not Present: Brandon Stevens, Ernie Stevens III, Lisa Summers

**6. Accept the Oneida Land Commission FY-2019 3rd quarter report**

Sponsor: Rae Skenandore, Chair. OLC (01:53:23)

Motion by Jennifer Webster to accept the Oneida Land Commission FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Jennifer Webster

Not Present: Brandon Stevens, Ernie Stevens III, Lisa Summers

*CouncilMember Daniel Guzman Returned at 9:55am*

*Item IV.C.2. is addressed next.*

**7. Accept the Oneida Trust Enrollment Committee FY -2019 3rd quarter report**

Sponsor: Barbara Webster, Chair/OTEC (02:11:38)

*Roll call for the record:*

*Present: Chairman Tehassi Hill; Councilman Daniel Guzman King; Councilman David P. Jordan; Treasurer Trish King; Councilman Kirby Metoxen; Councilwoman Jennifer Webster;*

*Not Present: Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Secretary Lisa Summers;*

Motion by Jennifer Webster to accept the Oneida Trust Enrollment Committee FY -2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

**C. CORPORATE BOARDS****1. Accept the Bay Bancorporation, Inc. FY-2019 3rd quarter report**

Sponsor: Jeff Bowman, President/Bay Bank (02:26:04)

Motion by Jennifer Webster to accept the Bay Bancorporation, Inc. FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Item IV.E.1 will be addressed next.*



**2. Accept the Oneida ESC Group, LLC. FY-2019 3rd quarter report**

Sponsor: Jacquelyn Zalim, Chair/OESC Board of Managers (01:57:50)

*Roll call for the record:*

*Present: Chairman Tehassi Hill; Councilman Daniel Guzman King; Treasurer Trish King;  
Councilman Kirby Metoxen; Councilman Ernie Stevens III; Councilwoman Jennifer Webster;  
Not Present: Councilman David P. Jordan; Vice-Chairman Brandon Stevens; Secretary Lisa  
Summers;*

Motion by Jennifer Webster to accept the Oneida ESC Group, LLC. FY-2019 3rd quarter report,  
seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Ernie Stevens III, Lisa Summers

*Councilmember David Jordan exited**Councilman Earnie Stevens III Returned at 9:55 am***3. Accept the Oneida Seven Generations Corporation FY-2019 3rd quarter report**

Sponsor: Pete King III, Agent/OSGC (01:58:42)

Motion by Ernie Stevens III to accept the Oneida Seven Generations Corporation FY-2019 3rd quarter  
report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster  
Not Present: Brandon Stevens, Lisa Summers

**4. Accept the Oneida Airport Hotel Corporation FY-2019 3rd quarter report**

Sponsor: Kirby Metoxen, Councilman (02:01:05)

Motion by Daniel Guzman King to accept the Oneida Airport Hotel Corporation FY-2019 3rd quarter  
report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Councilwoman Jennifer Webster exited 10:02am**Councilwoman Jennifer Webster returned at 10:04 am*



**5. Accept the Oneida Golf Enterprise FY-2019 3rd quarter report**

Sponsor: Eric McLester, Agent/OGE (02:03:18)

*Roll call for the record:*

*Present: Chairman Tehassi Hill; Councilman Daniel Guzman King; Treasurer Trish King; Councilman Kirby Metoxen; Councilman Ernie Stevens III; Councilwoman Jennifer Webster; Not Present: Councilman David P. Jordan; Vice-Chairman Brandon Stevens; Secretary Lisa Summers;*

Motion by Kirby Metoxen to accept the Oneida Golf Enterprise FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Item IV.B.7. is addressed next.***D. STANDING COMMITTEES****1. Accept the Community Development Planning Committee FY-2019 3rd quarter report (02:46:56)**

Sponsor: Ernie Stevens III, Councilman

Motion by Kirby Metoxen to accept the Community Development Planning Committee FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

**2. Accept the Legislative Operating Committee FY-2019 3rd quarter report**

Sponsor: David P. Jordan, Councilman (02:56:39)

Motion by Jennifer Webster to accept the Legislative Operating Committee FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

**3. Accept the Quality of Life FY 2019 3rd quarter report**

Sponsor: Brandon Stevens, Vice-Chairman (03:05:04)

Motion by Kirby Metoxen to accept the Quality of Life FY 2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers



**4. Accept the Finance Committee FY-2019 3rd quarter report**Sponsor: Trish King, Treasurer **(03:11:51)**

Motion by Ernie Stevens III to accept the Finance Committee FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Item V will be addressed next.*

**E. OTHER**

Sponsor:

**1. Accept the Oneida Youth Leadership Institute Fy - 2019 3rd quarter report**Sponsor: Richard Elm-Hill, President/OYLI Board of Directors **(02:32:30)**

Motion by Jennifer Webster to accept the Oneida Youth Leadership Institute Fy - 2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*This item was moved up on agenda, right after Bay Bank*

*Item IV.D.1 will be addressed next.*

**V. ADJOURN (03:12:40)**

Motion by Trish King to adjourn at 11:14am, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Jennifer Webster,  
David P. Jordan

Not Present: Brandon Stevens, Lisa Summers

11:14

Minutes prepared by Teresa Schuman, Information Management Specialist

Minutes approved as presented on September 11, 2019.

/s/ Lisa Summers \_\_\_\_\_

Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE



**REVISED - D R A F T**

*Councilman Daniel Guzman King left at 9:48 a.m.*

*Item IV.B.5. is addressed next.*

**4. Accept the Oneida Nation School Board FY-2019 3rd quarter report (00:57:22)**

Sponsor: Lisa Liggins, Chair/ONSB

Motion by Kirby Metoxen to accept the Oneida Nation School Board FY-2019 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

*Item IV.B.1. is addressed next.*

**5. Accept the Oneida Election Board FY-2019 3rd quarter report (01:47:38)**

Sponsor: Vicki Cornelius, Chair/OEB

Motion by Jennifer Webster to accept the Oneida Election Board FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: [Daniel Guzman King](#), David P. Jordan, Trish King, Kirby Metoxen,  
Jennifer Webster

Not Present: [Daniel Guzman King](#), Brandon Stevens, Ernie Stevens III, Lisa  
Summers

**6. Accept the Oneida Land Commission FY-2019 3rd quarter report (01:51:13)**

Sponsor: Rae Skenandore, Chair/OLC

*Councilman Daniel Guzman King returned at 9:55 a.m.*

Motion by Jennifer Webster to accept the Oneida Land Commission FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Jennifer Webster

Not Present: Brandon Stevens, Ernie Stevens III, Lisa Summers

*Councilman David P. Jordan left at 9:55 a.m.*

*Item IV.C.2. is addressed next.*

**7. Accept the Oneida Trust Enrollment Committee FY-2019 3rd quarter report (02:03:22)**

Sponsor: Barbara Webster, Chair/OTEC

Motion by Jennifer Webster to accept the Oneida Trust Enrollment Committee FY -2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers



**REVISED - D R A F T****C. CORPORATE BOARDS****1. Accept the Bay Bancorporation, Inc. FY-2019 3rd quarter report (02:11:47)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Jennifer Webster to accept the Bay Bancorporation, Inc. FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, [Ernie Stevens III](#),  
Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, [Ernie Stevens III](#), Lisa Summers

*Item IV.E.1. is addressed next.*

**2. Accept the Oneida ESC Group, LLC. FY-2019 3rd quarter report (01:54:40)**

Sponsor: Jacquelyn Zalim, Chair/OESC Board of Managers

Motion by Jennifer Webster to accept the Oneida ESC Group, LLC. FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Ernie Stevens III, Lisa Summers

*Councilman Ernie Stevens III returned at 10:00 a.m.*

*Councilwoman Jennifer Webster left at 10:00 a.m.*

**3. Accept the Oneida Seven Generations Corporation FY-2019 3rd quarter report (01:58:06)**

Sponsor: Pete King III, Agent/OSGC

Motion by Ernie Stevens III to accept the Oneida Seven Generations Corporation FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, [David P. Jordan](#), Trish King, Kirby Metoxen,  
Ernie Stevens III, [Jennifer Webster](#)

Not Present: [David P. Jordan](#), Brandon Stevens, Lisa Summers, [Jennifer Webster](#)

**4. Accept the Oneida Airport Hotel Corporation FY-2019 3rd quarter report (01:58:45)**

Sponsor: Robert Barton, President/OAHC

Motion by Daniel Guzman King to accept the Oneida Airport Hotel Corporation FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
[Jennifer Webster](#)

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers, [Jennifer Webster](#)

*Councilwoman Jennifer Webster returned at 10:03 a.m.*



**REVISED - D R A F T****V. ADJOURN (03:12:09)**

Motion by Trish King to adjourn at 11:14 a.m., seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, [Ernie Stevens III](#),  
Jennifer Webster, [David P. Jordan](#)  
Not Present: [David P. Jordan](#), Brandon Stevens, Lisa Summers

Minutes prepared by Teresa Schuman, Information Management Specialist  
Minutes approved as presented on \_\_\_\_\_.

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Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE



**REVISED - D R A F T****Oneida Business Committee**

Quarterly Reports Meeting  
8:00 AM Thursday, August 29, 2019  
BC Conference Room, 2nd floor, Norbert Hill Center  
Minutes

**QUARTERLY REPORTS MEETING**

**Present:** Chairman Tehassi Hill, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

**Not Present:** Vice-Chairman Brandon Stevens, Secretary Lisa Summers

**Arrived at:** n/a

**Others present:** Jo Anne House, Lisa Liggins, Teresa Schuman, Marlene (Minnie) Garvey, Gene Schubert, Valerie Groleau, Bridget John, Michele Doxtator, Jeanette Ninham, Tonya Webster, Eric Mc Lester, Sandra Reveles

**I. CALL TO ORDER**

*Meeting called to order by Chairman Tehassi Hill at 8:02 a.m.*

*For the record: Vice-Chairman Brandon Stevens is out on a personal day. Secretary Lisa Summers is on medical leave.*

**II. OPENING (00:00:12)**

*Opening provided by Councilman Daniel Guzman King.*

**III. ADOPT THE AGENDA (00:02:05)**

Motion by David P. Jordan to adopt the agenda as presented, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers



**REVISED - D R A F T****IV. REPORTS****A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept the Anna John Resident Centered Care Community Board FY-2019 3rd quarter report (00:02:25)**

Sponsor: Candace House, Chair/AJRCCC Board

Motion by Ernie Stevens III to accept the Anna John Resident Centered Care Community Board FY-2019 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**2. Accept the Oneida Nation Arts Board FY-2019 3rd quarter report (00:06:01)**

Sponsor: Desirae Hill, Chair/ONAB

Motion by Jennifer Webster to accept the Oneida Nation Arts Board FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**3. Accept the Oneida Environmental Resource Board FY-2019 3rd quarter report (00:12:45)**

Sponsor: Marlene Garvey, Chair/ERB

Motion by David P. Jordan to accept the Oneida Environmental Resource Board FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**4. Accept the Oneida Community Library Board FY-2019 3rd quarter (00:16:31)**

Sponsor: Dylan Benton, Chair/OCLB

Motion by David P. Jordan to accept the Oneida Community Library Board FY-2019 3rd quarter, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**5. Accept the Oneida Police Commission FY-2019 3rd quarter report (00:20:30)**

Sponsor: Sandra Reveles, Chair/OPoC

Motion by David P. Jordan to accept the Oneida Police Commission FY-2019 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers



**REVISED - D R A F T****6. Accept the Oneida Pow-wow Committee FY-2019 3rd quarter report (00:33:38)**

Sponsor: Tonya Webster, Chair/OPwC

Motion by David P. Jordan to accept the Oneida Pow-wow Committee FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**7. Accept the Oneida Nation Veterans Affairs Committee FY-2019 3rd quarter report (00:42:56)**

Sponsor: Gerald Cornelius, Chair/ONVAC

Motion by David P. Jordan to accept the Oneida Nation Veterans Affairs Committee FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**8. Accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2019 3rd quarter report (00:50:00)**

Sponsor: Kathryn LaRoque, Chair/SEOTS

Motion by Jennifer Webster to accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**9. Accept the Pardon and Forgiveness Screening Committee FY-2019 3rd quarter report (00:57:07)**

Sponsor: Eric Boulanger, Chair/PFSC

Motion by Jennifer Webster to accept the Pardon and Forgiveness Screening Committee FY-2019 3rd quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

*Item IV.B.4. is addressed next.*



**REVISED - D R A F T****B. ELECTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept the Oneida Nation Commission on Aging FY-2019 3rd quarter report (01:06:26)**

Sponsor: Patricia Lassila, Chair/ONCOA

Motion by Jennifer Webster to accept the Oneida Nation Commission on Aging FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

**2. Accept the Oneida Gaming Commission FY-2019 3rd quarter report (01:26:06)**

Sponsor: Matthew W. Denny, Chair/OGC

*Councilman David P. Jordan left at 9:40 a.m.*

Motion by Kirby Metoxen to accept the Oneida Gaming Commission FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Councilman Ernie Stevens III and Councilman Kirby Metoxen left at 9:44 a.m.*

*Councilman David P. Jordan returned at 9:46 a.m.*

**3. Accept the Oneida Land Claims Commission FY-2019 3rd quarter report**

Sponsor: Loretta V. Metoxen, Chair/OLCC

*Councilman Kirby Metoxen returned at 9:47 a.m.*

Motion by David P. Jordan to accept the Oneida Land Claims Commission FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Jennifer Webster

Abstained: Kirby Metoxen

Not Present: Brandon Stevens, Ernie Stevens III, Lisa Summers

*Councilman Daniel Guzman King left at 9:48 a.m.*

*Item IV.B.5. is addressed next.*

**4. Accept the Oneida Nation School Board FY-2019 3rd quarter report (00:57:22)**

Sponsor: Lisa Liggins, Chair/ONSB

Motion by Kirby Metoxen to accept the Oneida Nation School Board FY-2019 3rd quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Jennifer Webster

Not Present: Brandon Stevens, Lisa Summers

*Item IV.B.1. is addressed next.*



**REVISED - D R A F T****5. Accept the Oneida Election Board FY-2019 3rd quarter report (01:47:38)**

Sponsor: Vicki Cornelius, Chair/OEB

Motion by Jennifer Webster to accept the Oneida Election Board FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Jennifer Webster  
Not Present: Daniel Guzman King, Brandon Stevens, Ernie Stevens III, Lisa Summers

**6. Accept the Oneida Land Commission FY-2019 3rd quarter report (01:51:13)**

Sponsor: Rae Skenandore, Chair/OLC

*Councilman Daniel Guzman King returned at 9:55 a.m.*

Motion by Jennifer Webster to accept the Oneida Land Commission FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Jennifer Webster  
Not Present: Brandon Stevens, Ernie Stevens III, Lisa Summers

*Councilman David P. Jordan left at 9:55 a.m.*

*Item IV.C.2. is addressed next.*

**7. Accept the Oneida Trust Enrollment Committee FY-2019 3rd quarter report (02:03:22)**

Sponsor: Barbara Webster, Chair/OTEC

Motion by Jennifer Webster to accept the Oneida Trust Enrollment Committee FY -2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

**C. CORPORATE BOARDS****1. Accept the Bay Bancorporation, Inc. FY-2019 3rd quarter report (02:11:47)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Jennifer Webster to accept the Bay Bancorporation, Inc. FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Ernie Stevens III, Lisa Summers

*Item IV.E.1. is addressed next.*



**REVISED - D R A F T****2. Accept the Oneida ESC Group, LLC. FY-2019 3rd quarter report (01:54:40)**

Sponsor: Jacquelyn Zalim, Chair/OESC Board of Managers

Motion by Jennifer Webster to accept the Oneida ESC Group, LLC. FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Ernie Stevens III, Lisa Summers

*Councilman Ernie Stevens III returned at 10:00 a.m.*

*Councilwoman Jennifer Webster left at 10:00 a.m.*

**3. Accept the Oneida Seven Generations Corporation FY-2019 3rd quarter report (01:58:06)**

Sponsor: Pete King III, Agent/OSGC

Motion by Ernie Stevens III to accept the Oneida Seven Generations Corporation FY-2019 3rd quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers, Jennifer Webster

**4. Accept the Oneida Airport Hotel Corporation FY-2019 3rd quarter report (01:58:45)**

Sponsor: Robert Barton, President/OAHC

Motion by Daniel Guzman King to accept the Oneida Airport Hotel Corporation FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers, Jennifer Webster

*Councilwoman Jennifer Webster returned at 10:03 a.m.*

**5. Accept the Oneida Golf Enterprise FY-2019 3rd quarter report (02:01:05)**

Sponsor: Eric McLester, Agent/OGE

Motion by Kirby Metoxen to accept the Oneida Golf Enterprise FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Item IV.B.7. is addressed next.*



**REVISED - D R A F T****D. STANDING COMMITTEES****1. Accept the Community Development Planning Committee FY-2019 3rd quarter report (02:32:36)**

Sponsor: Ernie Stevens III, Councilman

Motion by Kirby Metoxen to accept the Community Development Planning Committee FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

**2. Accept the Legislative Operating Committee FY-2019 3rd quarter report (02:46:54)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the Legislative Operating Committee FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

**3. Accept the Quality of Life Committee FY-2019 3rd quarter report (02:56:44)**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by Kirby Metoxen to accept the Quality of Life Committee FY-2019 3rd quarter report, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

**4. Accept the Finance Committee FY-2019 3rd quarter report (03:05:06)**

Sponsor: Trish King, Treasurer

Motion by Ernie Stevens III to accept the Finance Committee FY-2019 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Item V. is addressed next.*



**REVISED - D R A F T****E. OTHER****1. Accept the Oneida Youth Leadership Institute FY-2019 3rd quarter report (02:27:25)**

Sponsor: Richard Elm-Hill, President/OYLI Board of Directors

Motion by Jennifer Webster to accept the Oneida Youth Leadership Institute FY-2019 3rd quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

*Item IV.D.1 is addressed next.*

**V. ADJOURN (03:12:09)**

Motion by Trish King to adjourn at 11:14 a.m., seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Jennifer Webster

Not Present: David P. Jordan, Brandon Stevens, Lisa Summers

Minutes prepared by Teresa Schuman, Information Management Specialist  
Minutes approved as revised on \_\_\_\_\_.

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Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE



Approve the September 11, 2019, regular Business Committee meeting minutes

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## Business Committee Agenda Request

1. Meeting Date Requested: 09/25/19

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☒ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☐ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS



**DRAFT****Oneida Business Committee**

**Executive Session**  
**8:30 AM Tuesday, September 10, 2019**  
**Executive Conference Room, 2nd floor, Norbert Hill Center**

**Regular Meeting**  
**8:30 AM Wednesday, September 11, 2019**  
**BC Conference Room, 2nd floor, Norbert Hill Center**

**Minutes****EXECUTIVE SESSION**

**Present:** Vice-Chairman Brandon Stevens, Treasurer Trish King, Secretary Lisa Summers, Councilmembers: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III;

**Not Present:** Chairman Tehassi Hill, Jennifer Webster;

**Arrived at:** n/a

**Others present:** Jo Anne House, Larry Barton, Debbie Thundercloud, Lisa Liggins;

**REGULAR MEETING**

**Present:** Vice-Chairman Brandon Stevens, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III;

**Not Present:** Chairman Tehassi Hill; Jennifer Webster

**Arrived at:** n/a

**Others present:** Jo Anne House, Larry Barton, Debbie Thundercloud, Lisa Liggins, Teresa Schuman, Kim Nishimoto, Loretta V. Metoxen, Marsha Danforth, Melissa Johnson, Clorissa Santiago, April Skenandore;

**I. CALL TO ORDER**

*Meeting called to order by Vice-Chairman Brandon Stevens at 8:32 a.m.*

*For the record: Chairman Tehassi Hill is out on personal time. Councilwoman Jennifer Webster is on approved travel attending the 2019 Self-Governance Professionals Workshop & Strategy Session in Maricopa, AZ.*

**II. OPENING (00:00:10)**

*Opening provided by Councilman Daniel Guzman King.*

**III. ADOPT THE AGENDA (00:03:07)**

Motion by Lisa Summers to adopt the agenda with one (1) addition in executive session<sup>1</sup> [item XIII.C.7. Discuss funding for the Pulaski Community Public School Language Program], seconded by Ernie Stevens III. Motion carried:

**Ayes:** Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

**Not Present:** Tehassi Hill, Jennifer Webster

<sup>1</sup> Secretary Summers inadvertently referenced this addition as an open session item.



# DRAFT

## IV. OATH OF OFFICE (00:05:51)

*Oaths of office administered by Secretary Lisa Summers. Kim Nishimoto and Loretta V. Metoxen were present.*

- A. **Oneida Police Commission - Kim Nishimoto**  
Sponsor: Lisa Summers, Secretary
- B. **Oneida Trust Enrollment Committee - Loretta V. Metoxen**  
Sponsor: Lisa Summers, Secretary

## V. MINUTES

- A. **Approve the August 28, 2019, regular Business Committee meeting minutes (00:08:42)**  
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the August 28, 2019, regular Business Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

- B. **Approve the August 29, 2019, quarterly reports Business Committee meeting minutes (00:09:06)**  
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the August 29, 2019, quarterly reports Business Committee meeting minutes, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

## VI. RESOLUTIONS

- A. **Adopt resolution entitled Urban Forestry Catastrophic Storm Grant Program Wisconsin Department of Natural Resources (09:26:09)**  
Sponsor: Debbie Thundercloud, General Manager

Motion by Kirby Metoxen to adopt resolution 09-11-19-A Urban Forestry Catastrophic Storm Grant Program Wisconsin Department of Natural Resources with one (1) change [correct lines 31-32, removing "an official or employee" and inserting "General Manager or designee"], seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster



**DRAFT**

- B. Adopt resolution entitled Authorizing the Transfer of General Self-Governance Funds to Head Start to Purchase Playground Equipment (00:12:55)**  
Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to adopt resolution 09-11-19-B Authorizing the Transfer of General Self-Governance Funds to Head Start to Purchase Playground Equipment, seconded by Kirby Metoxen.  
Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

- C. Enter e-poll results into the record regarding the adopted BC resolution # 09-04-19-A (00:13:43)**  
Sponsor: Lisa Summers, Secretary

Motion by Ernie Stevens III to enter the e-poll results into the record regarding the adopted BC resolution # 09-04-19-A, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

**VII. APPOINTMENTS**

- A. Determine next steps regarding two (2) vacancies - Oneida Community Library Board (00:14:13)**  
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to accept the selected the applicant and appoint Waehiahoweh Maracle to the Oneida Community Library Board with a term ending February 28, 2022, and post the remaining vacancy, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

- B. Determine next steps regarding three (3) vacancies - Oneida Environmental Resource Board (00:15:07)**  
Sponsor: Lisa Summers, Secretary

Motion by Ernie Stevens III to accept the selected the applicants and appoint Gerald Jordan, Weldon Hawk, and Angela Parks, to the Oneida Environmental Resource Board with terms ending September 30, 2022, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Lisa Summers  
Abstained: David P. Jordan  
Not Present: Tehassi Hill, Jennifer Webster



# DRAFT

## VIII. STANDING COMMITTEES

### A. FINANCE COMMITTEE

1. **Approve the September 3, 2019, regular Finance Committee meeting minutes (00:15:43); (01:02:20)**

Sponsor: Trish King, Treasurer

Motion by Lisa Summers to defer the September 3, 2019, regular Finance Committee meeting minutes to the September 25, 2019, regular Business Committee meeting, seconded by Ernie Stevens III. Motion withdrawn.

Motion by Lisa Summers to table to the end of the meeting with the condition that if they're not here to be considered as a addition [handout], that they get deferred to the next meeting, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

*Item VIII.B.1. is addressed next.*

Motion by Trish King to take this item from the table, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

Motion by Daniel Guzman King to approve the September 3, 2019, regular Finance Committee meeting minutes, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III

Abstained: Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

*After the vote to approve, item XIII.A.1. is addressed next.*

### B. LEGISLATIVE OPERATING COMMITTEE

*Treasurer Trish King left at 8:47 a.m.*

1. **Accept the August 7, 2019, regular Legislative Operating Committee meeting minutes (00:17:20)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the August 7, 2019, regular Legislative Operating Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens  
III, Lisa Summers

Not Present: Tehassi Hill, Trish King, Jennifer Webster

*Treasurer Trish King returned at 8:48 a.m.*



**DRAFT****2. Adopt Family Court law rule # 1 – Family Court Rules (00:17:46)**

Sponsor: David P. Jordan, Councilman

Motion by Ernie Stevens III to repeal Chapter 807 Family Court Rules; and to adopt and immediately implement Family Court law rule # 1 – Family Court Rules, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

*For the record: Secretary Lisa Summers stated we did an immediate implementation because it's a change of codification; the rule already exists, so it's just retitling it and putting it in its appropriate chapter in the code of laws*

**IX. UNFINISHED BUSINESS****A. Accept the storm and power outage impact reports from the Direct Reports to the Business Committee (00:22:39)**

Sponsor: Tehassi Hill, Chairman

Motion by Trish King to accept the storm and power outage impact reports from the Direct Reports to the Business Committee as information, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

Motion by Daniel Guzman King to direct the Emergency Management Director, the Intergovernmental Affairs Director, the General Manager to bring the emergency management plans for the winter season to the October 15, 2019, Business Committee work session for review by the Business Committee and communicated throughout the organization, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

*For the record: Councilman David P. Jordan requested that General Manager include the Comprehensive Housing Division Director in the discussion.*

Motion by Trish King to support the request to reinstate the Oneida Nation Emergency Planning Committee, seconded by Kirby Metoxen. Motion withdrawn.

Motion by Trish King to direct the Emergency Management Director, the Intergovernmental Affairs Director, and the General Manager to bring a recommendation on how to implement the Oneida Nation Emergency Planning Committee and/or alternative response teams to the October 15, 2019, Business Committee work session, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster



**DRAFT****B. Accept the storm and power outage impact reports from the Direct Reports to the General Manager (00:38:03)**

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to accept the storm and power outage impact reports from the Direct Reports to the General Manager as information, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**X. TRAVEL REPORTS****A. Approve the travel report - Vice-Chairman Brandon Stevens - Haskell Indian Nations University Presidential Interviews - Lawrence, KS - May 28-30th, 2019 (00:38:42)**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel report from Vice-Chairman Brandon Stevens for the Haskell Indian Nations University Presidential Interviews in Lawrence, KS - May 28-30th, 2019, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**B. Approve the travel report - Councilman Daniel Guzman King - 2019 Tribal Lands & Environmental Forum - Palm Springs, CA - August 19-22, 2019 (00:39:19)**

Sponsor: Daniel Guzman King, Councilman

Motion by Kirby Metoxen to approve the travel report from Councilman Daniel Guzman King for the 2019 Tribal Lands & Environmental Forum in Palm Springs, CA - August 19-22, 2019, seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Abstained: Daniel Guzman King

Not Present: Tehassi Hill, Jennifer Webster

*For the record: Travel expenses covered by an environmental grant.*

**XI. TRAVEL REQUESTS****A. Retro-approve the travel request - Vice-Chairman Brandon Stevens - Two (2) events (00:40:01)**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to retro-approve the travel request from Vice-Chairman Brandon Stevens for the Frank LaMere Native American Presidential Forum in Sioux City, IA - August 19-20, 2019, and for the Senate Health Committee hearing in Madison, WI - August 21, 2019, noting incorrect dates are on the request form, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen

Abstained: Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster



**DRAFT**

- B. Approve the travel request - Chairman Tehassi Hill and Vice-Chairman Brandon Stevens - 2019 NIGA Mid-Year conference - Uncasville, CT - September 17-19, 2019 (00:42:42)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by Lisa Summers to approve the travel request for up to three (3) Business Committee members to attend the 2019 NIGA Mid-Year conference in Uncasville, CT - September 17-19, 2019, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

- C. Approve the travel request - Councilman Ernie Stevens III - AISES National Conference - Milwaukee, WI - October 9-13, 2019 (00:43:40)**  
Sponsor: Ernie Stevens III, Councilman

Motion by Trish King to accept the travel request to attend the AISES National Conference in Milwaukee, WI - October 9-13, 2019, as information<sup>2</sup>, noting Councilman Ernie Stevens III is planning to attend, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Lisa Summers  
Abstained: Ernie Stevens III  
Not Present: Tehassi Hill, Jennifer Webster

**XII. NEW BUSINESS**

- A. Set the date for the 2020 Special Election (00:46:57)**  
Sponsor: Vicki Cornelius, Chair/Oneida Election Board

*Councilman Daniel Guzman King left at 9:23 a.m.*

Motion by David P. Jordan to set the 2020 Special Election on January 25, 2020, seconded by Lisa Summers. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Opposed: Lisa Summers  
Not Present: Tehassi Hill, Daniel Guzman King, Jennifer Webster

Motion by Lisa Summers to request the Oneida Election Board to bring back emergency cancellation procedures, seconded by Trish King. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Daniel Guzman King, Jennifer Webster

*For the record: Secretary Lisa Summers stated I just have to state for the record why I opposed. It's not because you guys didn't do a good job doing your dates and things like that; but when I read that section for vacancies. it states that if there's more than 270 days remaining in the term of office, there has to be a special election and that's very clear. It doesn't say when that special election has to occur. So in my mind, it is appropriate for us to have the vacancy included on the General Election ballot. It's not necessary.*

<sup>2</sup> At the August 28, 2019, regular Business Committee meeting, action was taken to approve up to three (3) Business Committee members to attend this event.



**DRAFT****B. Approve a limited waiver of sovereign immunity - Motorola Solutions Inc. Shared Agency agreement - file # 2019-0585 (00:53:54)**

Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by David P. Jordan to approve a limited waiver of sovereign immunity for the Motorola Solutions Inc. Shared Agency agreement - file # 2019-0585, seconded by Trish King. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Daniel Guzman King, Jennifer Webster

**C. Support the transfer of ownership and maintenance costs of the Water Circle Place outdoor warning siren to the Oneida Nation from Outagamie County (00:55:17)**

Sponsor: Kaylynn Gresham, Director/Emergency Management

Motion by Lisa Summers to support the transfer of ownership and maintenance costs of the Water Circle Place outdoor warning siren to the Oneida Nation from Outagamie County, seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Daniel Guzman King, Jennifer Webster

*Councilman Daniel Guzman King returned at 9:29 a.m.*

**D. Re-post four (4) vacancies - Oneida Youth Leadership Institute Board of Directors (00:57:04)**

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to re-post four (4) vacancies for the Oneida Youth Leadership Institute Board of Directors, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

Amendment to the main motion by Lisa Summers to send the Oneida Youth Leadership Institute Board of Directors vacancies to the October 15, 2019, Business Committee work session to discuss the qualifications, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster



**DRAFT****E. Re-post one (1) vacancy - Oneida Nation Arts Board (00:58:52)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to re-post one (1) vacancy for the Oneida Nation Arts Board, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

Amendment to the main motion by Lisa Summers to send the Oneida Nation Arts Board vacancies to the October 15, 2019, Business Committee work session for discussion, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**F. Re-post two (2) vacancies - Oneida Land Claims Commission (01:01:22)**

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to send the Oneida Land Claims Commission vacancies to the October 15, 2019, Business Committee work session for discussion, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

*Item VIII.A.1. is re-addressed next.*

**XIII. EXECUTIVE SESSION****A. REPORTS****1. Accept the Chief Counsel report (01:04:56)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to accept the Chief Counsel report dated September 9, 2019, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

Motion by Lisa Summers to approve the amended agreement between the Oneida Nation and Outagamie County regarding 1983 Wisconsin Act 161, noting the language regarding advocating for the High Cost Pool fund may be removed and this document can be moved to open session, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster



**DRAFT****B. AUDIT COMMITTEE**

- 1. Accept the July 25, 2019, regular Audit Committee meeting minutes (01:05:44)**  
Sponsor: David P. Jordan, Councilman

Motion by Trish King to accept the July 25, 2019, regular Audit Committee meeting minutes, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

- 2. Accept the Drop and Count compliance audit and lift the confidentiality requirement (01:06:00)**  
Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the Drop and Count compliance audit and lift the confidentiality requirement, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

- 3. Accept the EZ Baccarat rules of play compliance audit and lift the confidentiality requirement (01:06:20)**  
Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to accept the EZ Baccarat rules of play compliance audit and lift the confidentiality requirement, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

- 4. Accept the Player Tracking compliance audit and lift the confidentiality requirement (01:06:40)**  
Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Player Tracking compliance audit and lift the confidentiality requirement, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster

- 5. Accept the Slots compliance assurance audit and lift the confidentiality requirement (01:07:00)**  
Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to accept the Slots compliance assurance audit and lift the confidentiality requirement, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers  
Not Present: Tehassi Hill, Jennifer Webster



**DRAFT****6. Accept the Final Central Purchasing performance assurance audit and lift the confidentiality requirement (01:07:21)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Final Central Purchasing performance assurance audit and lift the confidentiality requirement, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**7. Accept the Final Gaming Support Administration performance assurance audit and lift the confidentiality requirement (01:07:40)**

Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the Final Gaming Support Administration performance assurance audit and lift the confidentiality requirement, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**8. Accept the Final Oneida Pharmacy performance assurance audit and lift the confidentiality requirement (01:07:56)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Final Oneida Pharmacy performance assurance audit and lift the confidentiality requirement, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**9. Accept the Final Printing/Mail Center performance assurance audit and lift the confidentiality requirement (01:08:19)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to accept the Final Printing/Mail Center performance assurance audit and lift the confidentiality requirement, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**10. Accept the Final Anna John Resident Centered Care Community Board performance assurance audit and lift the confidentiality requirement (01:08:40)**

Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the Final Anna John Resident Centered Care Community Board performance assurance audit and lift the confidentiality requirement, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster



**DRAFT****11. Accept the Final Oneida Nation Arts Board performance assurance audit and lift the confidentiality requirement (01:09:01)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to accept the Final Oneida Nation Arts Board performance assurance audit and lift the confidentiality requirement, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**12. Accept the Final Oneida Nation School Board performance assurance audit and lift the confidentiality requirement (01:09:20)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Final Oneida Nation School Board performance assurance audit and lift the confidentiality requirement, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**C. NEW BUSINESS****1. Approve the attorney contract - Stenzel Law Office - file # 2019-0927 (01:10:00)**

Sponsor: Tehassi Hill, Chairman

Motion by David P. Jordan to approve the attorney contract for Stenzel Law Office - file # 2019-0927, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**2. Adopt resolution entitled Naming Individuals as Authorized Persons for SagePoint Accounts (01:10:26)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Trish King to defer the resolution entitled Naming Individuals as Authorized Persons for SagePoint Accounts to the September 25th, 2019, regular Business Committee meeting, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**3. Approve a limited waiver of sovereign immunity - LexisNexis-Time Matters Annual Maintenance agreement - file # 2019-0967 (01:10:53)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to approve a limited waiver of sovereign immunity for the LexisNexis-Time Matters Annual Maintenance agreement - file # 2019-0967, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster



**DRAFT****4. Review applications for two (2) vacancies - Oneida Community Library Board (01:11:20)**

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to accept the discussion regarding the application(s) for the Oneida Community Library Board as information, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**5. Review applications for three (3) vacancies- Oneida Environmental Resource Board (01:11:40)**

Sponsor: Lisa Summers, Secretary

Motion by Trish King to accept the discussion regarding the application(s) for the Oneida Environmental Resource Board as information, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III,  
Lisa Summers

Abstained: David P. Jordan  
Not Present: Tehassi Hill, Jennifer Webster

**6. Enter e-poll results into the record regarding the approved first amendment to the Emergency Medical Services Agreement between the Oneida Nation and the Village of Ashwaubenon (01:12:01)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the approved first amendment to the Emergency Medical Services Agreement between the Oneida Nation and the Village of Ashwaubenon, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster

**7. Discuss funding for the Pulaski Community Public School Language Program (01:12:34)**

Sponsor:

Motion by Daniel Guzman King to direct the General Manager to bring additional options for resource support for the program to the September 25, 2019, regular Business Committee meeting, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Ernie Stevens III, Lisa Summers

Not Present: Tehassi Hill, Jennifer Webster



# **DRAFT**

## **XIV. ADJOURN (01:13:05)**

Motion by David P. Jordan to adjourn at 9:45 a.m., seconded by Trish King. Motion carried:

|              |  |
|--------------|--|
| Ayes:        | Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,<br>Ernie Stevens III, Lisa Summers |
| Not Present: | Tehassi Hill, Jennifer Webster   |

Minutes prepared by Teresa Schuman, Information Management Specialist  
Minutes approved as presented on \_\_\_\_\_.

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Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE



**Oneida Business Committee Agenda Request**

Adopt resolution entitled Interpreting "Fiscal Impact Statement" in the Legislative Procedures Act

**1. Meeting Date Requested:** 09 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_

### Interpreting “Fiscal Impact Statement” in the Legislative Procedures Act

- 1  
2  
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe  
4 recognized by the laws of the United States of America; and  
5  
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
7  
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
10  
11 **WHEREAS,** the Legislative Procedures Act was adopted by the General Tribal Council by resolution  
12 GTC-01-07-13-A, to update and improve the procedures for adoption of laws that were  
13 originally set forth in the Administrative Procedures Act, adopted by resolution GTC-08-19-  
14 91-A; and  
15  
16 **WHEREAS,** the Legislative Operating Committee has created procedural mechanisms to implement  
17 the Legislative Procedures Act which focus on generating public and organizational input  
18 and transparency assisted by new technologies; and  
19  
20 **WHEREAS,** since adoption of the Legislative Procedures Act in 2013 through resolution GTC-01-07-  
21 13-A and implementation, the Legislative Operating Committee has identified areas  
22 requiring clarification, but do not rise to the level of requiring amendments to the law; and  
23  
24 **WHEREAS,** the Legislative Procedures Act requires the development of a “Fiscal Impact Statement” by  
25 any affected agency or person directed by the Legislative Operating Committee, or by the  
26 Finance Department if requested by the Legislative Operating Committee, as set forth in  
27 section 109.6-1; and  
28  
29 **WHEREAS,** the Legislative Operating Committee has determined that having a Fiscal Impact Statement  
30 for the public meeting is important in providing transparency and understanding the full  
31 impact of a proposed law while at the same time recognizing the limited resources and time  
32 available from the Finance Department to develop multiple Fiscal Impact Statements; and  
33  
34 **WHEREAS,** the Legislative Operating Committee had determined that Fiscal Impact Statements from  
35 affected agencies and affected individuals will be informative during the legislative  
36 development processes and public meeting discussion; and  
37  
38 **WHEREAS,** the Treasurer, in accordance with resolution GTC-07-11-94-A and her supervision of the  
39 Chief Financial Officer, and after discussion with the Finance Department, has directed  
40 that the Chief Financial Officer shall submit a Fiscal Impact Statement to the Legislative  
41 Operating Committee within ten (10) business days of final approval of draft legislation by  
42 the Legislative Operating Committee; and  
43



BC Resolution # \_\_\_\_\_  
Interpreting "Fiscal Impact Statement" in the Legislative Procedures Act  
Page 2 of 2

44 **WHEREAS,** upon final approval of draft legislation, the Legislative Operating Committee shall send a  
45 memorandum to the Finance Department notifying the Finance Department of the final  
46 approval and that a Fiscal Impact Statement is required to be submitted within ten (10)  
47 business days; and  
48

49 **WHEREAS,** the Legislative Operating Committee, for purposes of standardizing the interpretation of the  
50 Legislative Procedures Act requests adoption of this interpretive resolution; and  
51

52 **NOW THEREFORE BE IT RESOLVED,** that the Fiscal Impact Statement required in section 109.6-1 of the  
53 Legislative Procedures Act shall be applied as follows.

- 54 1. *Fiscal Impact Statements for use during a Public Meeting.* When developing a Fiscal Impact  
55 Statement for proposed legislation to be used in a public meeting scheduled under section 109.8-  
56 2, the Legislative Operating Committee may use any agency who:  
57 a. may receive funding if the legislation is enacted;  
58 b. may administer a program if the legislation is enacted; or  
59 c. may have financial information concerning the subject matter of the legislation.  
60 2. *Fiscal Impact Statements for use during Consideration of Adoption.* When developing a Fiscal  
61 Impact Statement for proposed legislation to be used for presentation to and consideration of  
62 adoption by the Oneida Business Committee and/or General Tribal Council under section 109.9-1,  
63 the Finance Department shall, within ten (10) business days of final approval of draft legislation by  
64 the Legislative Operating Committee, send a Fiscal Impact Statement to the Legislative Operating  
65 Committee for inclusion in adoption materials.





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Oneida Business Committee  
Legislative Operating Committee  
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## Statement of Effect

### *Interpreting “Fiscal Impact Statement” in the Legislative Procedures Act*

#### ***Summary***

The resolution further interprets the Legislative Procedures Act to clarify and limit who the Legislative Operating Committee may direct develop a fiscal impact statement for use during a public meeting and for use during the consideration of adoption.

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

*Date: September 16, 2019*

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

The Legislative Procedures Act (LPA) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1].

The LPA requires that all legislation, except emergency legislation, be accompanied by a fiscal impact statement, which is an estimate of the total fiscal year financial effects associated with the legislation. [1 O.C. 109.6-1, 109.3-1(c)]. The LPA delegates authority to the Legislative Operating Committee to direct an agency to submit a fiscal impact statement. The Legislative Operating Committee may direct that a fiscal impact statement be prepared by any agency who may receive funding if the legislation is enacted, may administer a program if the legislation is enacted, or may have financial information concerning the subject matter of the legislation; or the Finance Department. [1 O.C. 109.6-1].

If the fiscal impact statement is available, then the LPA requires that it be posted on the Oneida Register and electronically provided to all managers and directors of the Nation with the other public meeting materials ten (10) business days before a public meeting is held. [1 O.C. 109.8-2]. All fiscal impact statements are required to be completed and submitted to the Legislative Operating Committee prior to any legislation being forwarded to the Oneida Business Committee for consideration of adoption. [1 O.C. 109.6-2]. The fiscal impact statement provides information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee and/or General Tribal Council can determine if adoption of the proposed legislation is in the best interest of the Nation.

This resolution provides that the Legislative Operating Committee is seeking clarification on the interpretation of the use of fiscal impact statements within the LPA. This resolution clarifies and limits who the Legislative Operating Committee may direct complete a fiscal impact statement for use during a public meeting and for use during the final adoption of legislation so that the process can be standardized and handled in a consistent manner.



This resolution provides that when developing a fiscal impact statement for use during a public meeting the Legislative Operating Committee direct the fiscal impact statement be submitted by any agency who may receive funding if the legislation is enacted, may administer a program if the legislation is enacted, or may have financial information concerning the subject matter of the legislation.

The resolution then provides that when developing a fiscal impact statement for proposed legislation to be used for presentation to and consideration of adoption by the Oneida Business Committee and/or General Tribal Council under section 109.9-1, the Finance Department shall, within ten (10) business days of final approval of draft legislation by the Legislative Operating Committee, send a Fiscal Impact Statement to the Legislative Operating Committee for inclusion in adoption materials.

### ***Conclusion***

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



**Oneida Business Committee Agenda Request**

Adopt resolution entitled Updated Statement of Effect Requirement for Resolutions

**1. Meeting Date Requested:** 09 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Clorissa N. Santiago, LRO Staff Attorney  
Name, Title / Dept.Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



# Oneida Nation

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Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_

### Updated Statement of Effect Requirement for Resolutions

- 1  
2  
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe  
4 recognized by the laws of the United States of America; and  
5  
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
7  
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
10  
11 **WHEREAS,** the Oneida Business Committee adopted resolution BC-08-16-95-A to set forth the  
12 requirement that all resolutions proposed for adoption by the Oneida Business Committee  
13 or the Oneida General Tribal Council be accompanied by a statement of effect processed  
14 through the Legislative Operating Committee; and  
15  
16 **WHEREAS,** resolution BC-08-16-95-A provided that resolutions for grant applications, Indian Health  
17 Service resolutions, or resolutions for the purchase of land or placement of land into trust  
18 status would be exempt from the requirement of a statement of effect; and  
19  
20 **WHEREAS,** the Oneida Business Committee determined resolution BC-08-16-95-A needed to be  
21 amended to update the list of exemptions to reflect present circumstances and include the  
22 role of the Legislative Reference Office in the process; and  
23  
24 **WHEREAS,** the Oneida Business Committee adopted resolution BC-06-01-05-C to amend resolution  
25 BC-08-16-95-A and provide that the nominations of individuals to serve on a particular  
26 entity and resolutions in support of a cause or individual would also be exempt from the  
27 statement of effect requirement; and  
28  
29 **WHEREAS,** resolution BC-06-01-05-C also provided that the Legislative Reference Office, and not the  
30 Legislative Operating Committee, would process the statement of effect for all resolutions  
31 proposed for adoption by the Oneida Business Committee or General Tribal Council that  
32 did not meet an exemption for a statement of effect; and  
33  
34 **WHEREAS,** a statement of effect explains the impact adopting a resolution would have on the laws and  
35 policies of the Nation; and  
36  
37 **WHEREAS,** it is necessary to update the list of exemptions to the statement of effect requirement to  
38 reflect present circumstances; and  
39  
40 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby amends resolution  
41 BC-06-01-05-C to provide that all resolutions proposed for adoption by the Oneida Business Committee or  
42 the Oneida General Tribal Council shall be accompanied by a statement of effect developed by the



Legislative Reference Office, unless the resolution meets one of the following exemptions to the requirement for a statement of effect:

- Resolutions for grant applications;
- Self-governance contract or compact resolutions;
- Resolutions for the purchase of land or placement of land into trust status;
- Nominations of individuals to serve on a particular entity;
- Resolutions in support of a cause or individual;
- Resolutions regarding the pardoning or forgiveness of any member of the Nation; and
- Resolutions which approve a contract or agreement accompanied by a legal review.

**BE IT FINALLY RESOLVED**, that the Oneida Business Committee may direct that a statement of effect be drafted notwithstanding the exemptions stated in the previous resolve.





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## Statement of Effect

### *Updated Statement of Effect Requirement for Resolutions*

#### *Summary*

The resolution amends resolution BC-06-01-05-C to update what types of resolutions are exempt from the requirement to be accompanied by a statement of effect developed by the Legislative Reference Office for adoption by the Oneida Business Committee or the Oneida General Tribal Council.

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

*Date: September 16, 2019*

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

The requirement that a resolution proposed for adoption by the Oneida Business Committee or General Tribal Council be accompanied by a statement of effect was first adopted through resolution BC-08-16-95-A. Resolution BC-08-16-95-A provided that resolutions for grant applications, Indian Health Service resolutions, or resolutions for the purchase of land or placement of land into trust status would be exempt from the requirement of a statement of effect.

Then the Oneida Business Committee amended resolution BC-08-16-95-A through the adoption of resolution BC-06-01-05-C to provide that the nominations of individuals to serve on a particular entity and resolutions in support of a cause or individual would also be exempt from the statement of effect requirement.

It is again necessary to update the list of exemptions to the statement of effect requirement to reflect present circumstances.

This resolution amends resolution BC-06-01-05-C to provide additional types of resolutions that should be exempt from the requirement to be accompanied by a statement of effect. This resolution now provides that all resolutions proposed for adoption by the Oneida Business Committee or the Oneida General Tribal Council shall be accompanied by a statement of effect developed by the Legislative Reference Office, unless the resolution meets one of the following exemptions to the requirement for a statement of effect:

- Resolutions for grant applications;
- Self-governance contract or compact resolutions;
- Resolutions for the purchase of land or placement of land into trust status;
- Nominations of individuals to serve on a particular entity;
- Resolutions in support of a cause or individual;
- Resolutions regarding the pardoning or forgiveness of any member of the Nation; and
- Resolutions which approve a contract or agreement accompanied by a legal review.



This resolution also allows the Oneida Business Committee to direct that a statement of effect be drafted notwithstanding the exemptions provided.

***Conclusion***

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



**Oneida Business Committee Agenda Request**

Adopt resolution entitled Support for Great Law Recital in Oneida Nation Community

**1. Meeting Date Requested:** 09 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Adopt resolution titled, "**Support for Great Law Recital in Oneida Nation Community**"

**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Background:

At the August 20, 2019, OBC Work Session, the OBC met with Oneida Clan Representatives regarding the Great Law Recital to tentatively occur in calendar year 2020. The Clan Representatives provided an overview of the great law events to occur over a 7 day period. Members of the OBC voiced their support, requested a resolution stating their support, and deemed Chairman Tehassi Tasi Hill and Treasurer Patricia King as main contacts between the Clan Representatives and the Tribal operations.

Requested Motion:

Motion to adopt resolution titled, "Support for Great Law Recital in Oneida Nation Community."

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



# Oneida Nation

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Oneida, WI 54155

## BC Resolution #

### Support for Great Law Recital in Oneida Nation Community

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Nation has a long standing historical and current belief in the Kayantla'kowa, *Great Law of Peace*, as a member of the Confederacy and as a governmental entity which strives to imbue the teachings of the Great Law of Peace in all its systems and decisions; and
- WHEREAS,** in 2011 Onondaga members asked Tom Porter if he would conduct a recital of the Great Law of Peace, who in turn suggested that this would be better coming from the younger learners; and
- WHEREAS,** Chiefs and titleholders searched amongst their communities for speakers and ultimately the request was made to the Grand Council for a recital of the Great Law of Peace in a manner consistent with Wampum # 63; and
- WHEREAS,** the Grand Council agreed to host a recital of the Great Law of Peace for five years, with each original member Nations hosting the recital – Oneida, Onondaga, Akwesasne/Mohawks, Sour Springs/Cayuga, and then Tonawanda/Senecas; and
- WHEREAS,** after each recital, members of the host community met to discuss the recital and receive feedback and insights for improvements to the recital (*recital committees*) – for example, the recent recital by the Mohawk community at Kahnaw@:ke celebrated almost zero-waste at the conclusion of the recital; and
- WHEREAS,** the Grand Council received requests to continue the recital at additional communities and approved another five-year period, beginning with Tuscaroras, then Kahnaw@:ke /Mohawks; and
- WHEREAS,** there are members of the Oneida Nation community who wish to host a Great Law of Peace recital, to form a recital committee, and have requested clan representatives convey this request to the Grand Council; and
- WHEREAS,** the clan representatives met with the Oneida Business Committee at a work session requesting support of the Oneida Nation for hosting the Great Law of Peace recital; and
- WHEREAS,** the Oneida Business Committee, knowing the responsibilities under the Great Law of Peace combined with their responsibilities under the Constitution of the Oneida Nation, believes that a recital of the Great Law of Peace will help to bring the community together



48 and remind ourselves of our responsibilities to each other, the community, and the earth;  
49 and  
50

51 **WHEREAS,** the Oneida Business Committee believes that employees within the organization can  
52 benefit from hearing and experiencing the recital of the Great Law of Peace; and  
53

54 **WHEREAS,** the Oneida Business Committee supports recital committee members, as they follow  
55 proper protocols, in making their request to host a recital of the Great Law of Peace; and  
56

57 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee declares its support for the clan  
58 representatives to form a recital committee and to present its request to the Grand Council host a recital of  
59 the Kayantla'kowa at the Oneida Nation Reservation.  
60

61 **BE IT FURTHER RESOLVED,** business units of the Oneida Nation are encouraged to provide support for  
62 the recital committee and shall work through the Chairman Hill's office and Treasurer King's office, to ensure  
63 proper reporting, and avoiding duplication of efforts, and to allow the recital committee to have an accurate  
64 understanding of the needs for hosting a recital.  
65

66 **BE IT FINALLY RESOLVED,** that upon approval by the Grand Council to host a Kayantla'kowa recital at  
67 the Oneida Nation Reservation, the Oneida Business Committee will request its direct reports to provide  
68 concepts of how Oneida Nation employees could participate in hearing the recital as a learning experience  
69 to better understand their responsibilities to the Oneida Nation and community.





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## **Statement of Effect**

*Support for Great Law Recital in Oneida Nation Community*

### ***Summary***

The resolution supports the clan representatives to form a recital committee and to present its request to the Grand Council to host a recital of the Kayantla'ꞑkowa, Great Law of Peace, at the Oneida Nation Reservation.

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

*Date: September 16, 2019*

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

Through this resolution the Oneida Business Committee declares its support for the clan representatives to form a recital committee and to present its request to the Grand Council to host a recital of the Kayantla'ꞑkowa, Great Law of Peace, at the Oneida Nation Reservation.

The resolution also encourages the business units of the Nation to provide support for the recital committee by working through Chairman Hill's office and Treasurer King's office to ensure proper reporting, avoid duplication of efforts, and to allow the recital committee to have an accurate understanding of the needs for hosting a recital.

Additionally, the resolution highlights that upon approval by the Grand Council to host a Kayantla'ꞑkowa recital at the Oneida Nation Reservation, the Oneida Business Committee will request its direct reports to provide concepts of how employees of the Nation could participate in hearing the recital as a learning experience to better understand their responsibilities to the Nation and community.

### ***Conclusion***

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



**Oneida Business Committee Agenda Request**

Adopt resolution entitled Triennial Goals – Trending – Budget Guidance Resolution

**1. Meeting Date Requested:** 09 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: 

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

**Background:**

The CFO and Assistant CFO provided a brief analysis of the positive variance reported in the monthly Treasurer's reports. Our ability to close the gap within our budgeting process is one of the four (4) objectives listed within our fiscal path to implement a Value-Based Budgeting System via a triennial strategic planning process. And, in accordance with Chapter 121, Section 121.5-4, the CFO shall develop the necessary guidelines, including specific deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets.

Personnel costs comprise approximately 36% of the budget, and Finance completed a four (4) year trend analysis on some major lines showing a \$2 million positive variance.

At the August 20, 2019, OBC Work Session, the OBC decided to support drafting a resolution so that the budget guidelines occur annually providing budgeting guidance; versus a memorandum.

**Requested Motion:**

Motion to adopt resolution titled, "Triennial Goals - Trending - Budget Guidance Resolution."

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



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Oneida, WI 54155

## BC Resolution # Triennial Goals – Trending – Budget Guidance Resolution

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** in 1982, with the beginning stages of the growth of the Oneida Nation, the General Tribal Council adopted resolution # GTC-02-25-82 which, in part, directed the Oneida Business Committee to “become actively involved in the legislative areas such as...Fiscal Plan,” *Resolve #1*; and
- WHEREAS,** in 1990, the General Tribal Council adopted position descriptions for each officer of the Oneida Business Committee and Council member, specifically regarding the Treasurer, “review annual budgets and make recommendations to the Business Committee, who shall submit an annual budget to the Oneida General Tribal Council,” *section 9*; and
- WHEREAS,** the Oneida Business Committee and Treasurers have used the budget and the budgeting process to identify programming activities (*BC-04-25-18-I, Creation of the Business Unit ‘Tribal Action Plan – Office’ in the FY2018 Budget and Approving Allocation of Funding for that Purpose*), resolutions adopting the budgets that set specific goals or limitations (*BC-09-23-09-C, Emergency Resolution Implementing Spending Restrictions and Cost Containment For the First Six Months of FY 2010 (FY 2010-2012 Budget Cycle)*), resolutions that set cost containment or cash flow management in times of financial distress or expense stress (*BC-10-09-13-D, Emergency Cost Containment and Spending Restrictions Due to Federal Government Shut Down; and BC-09-24-14-A, Continuing Resolution for Fiscal Year 2015*), three-year budgeting to develop the goal of trending and projections (*BC-02-11-15-A, Budget Initiative for Fiscal Years 2016, 2017, and 2018; and, BC-10-25-17-E. Fiscal Years 2019 to 2022 Triennial Strategic Fiscal Planning*), resolutions that identified goals and strategies by Oneida Business Committee for their term of office (*BC-09-27-17-B, Setting the Strategic Plan for the 2017-2020 Term of the Oneida Business Committee*), and guidance resolutions on expenditures, employment and goal setting (*BC-09-27-17-I, Strategic Workforce Planning – Budget – Implementation as amended by BC-03-14-18-D*); and
- WHEREAS,** these resolutions are intended to provide guidance in budgeting and expending budget which coincide with the increased delegation of authority and responsibility to director reports, Division Directors, Area Managers, and supervisors throughout the organization; and
- WHEREAS,** the Oneida Business Committee recently adopted resolution # BC-09-\_\_-19-\_\_, *Guidance to Implement Good Governance Principles for Conducting Public Affairs and Managing*



- 47 *Public Resources*, as guidance to all employees and those with supervisory  
 48 responsibilities; and  
 49
- 50 **WHEREAS,** the Oneida Business Committee and Treasurer believe that with authority to build and  
 51 present budgets, to hire individuals, and to operate programs, services and enterprises,  
 52 comes the corresponding ability to be responsible not only to the programming needs, but  
 53 to the Oneida Nation as a whole in utilizing all resources of the Nation and resolution # BC-  
 54 09-\_\_-19-\_\_ is intended to outline those responsibilities; and  
 55
- 56 **WHEREAS,** the Oneida Business Committee and Treasurer have received financial guidance and  
 57 advice through the Chief Financial Officer regarding world economic impacts, the Assistant  
 58 Chief Financial Officer regarding budget trending, the Gaming General Manager and Retail  
 59 Manager regarding enterprise revenue trending, the Direct Reports regarding  
 60 programming, grants, and current client needs, as well as the Inter-Governmental  
 61 Communications and Affairs office regarding trending in federal and state legislation  
 62 impacts and funding impacts, and the Self-Governance Coordinator regarding the Nation's  
 63 self-governance contracts and trending; and  
 64
- 65 **WHEREAS,** the Oneida Business Committee believes that business-as-usual no longer remains an  
 66 option in light of the changing and increasing challenging financial conditions, business  
 67 needs, and programming needs regarding the community; and  
 68
- 69 **WHEREAS,** the Oneida Business Committee adopted resolution # BC-09-27-17-I, *Strategic Workforce*  
 70 *Planning – Budget – Implementation* as amended by resolution # BC-03-14-18-D, to:  
 71 1. identify standard terms regarding the employment base (full-time equivalent or FTE)  
 72 as a method of standardizing and defining the employment levels of the Nation across  
 73 the organization;  
 74 2. require short term (employment caps), mid-term (workforce level assessments) and  
 75 long-term (strategic workforce planning) activities and reporting by each business unit  
 76 of the Nation; and  
 77 3. direct all levels of the organization to know the budget strategies and goals, and work  
 78 cooperatively to evaluate current needs and resources to most effectively utilize the  
 79 Nation's limited resources; and  
 80
- 81 **WHEREAS,** when the Oneida Business Committee adopted the September 2017 resolution regarding  
 82 strategic workforce planning it acknowledged that it was not possible to look at any action  
 83 from a purely financial perspective (labor as a percentage of the total budget is 42%,  
 84 exceeds gaming and retail net profit at 142%, grants at 314%, and mandates at 400%<sup>1</sup>),  
 85 or a Human Resources Perspective (wage studies, programming needs studies, hiring  
 86 limits), or priority (such as health care, housing, employment) as all are interrelated and  
 87 must be addressed in that fashion; and  
 88
- 89 **WHEREAS,** the Oneida Business Committee understands that the United States and the Oneida Nation  
 90 have moved from the 2008 financial crash and through fiscal recovery, such that the current  
 91 indicators identify the potential of an economic downturn through a slowing economy, lower  
 92 consumer confidence levels and financial indicators such as inverted yield curves on  
 93 bonds; and  
 94
- 95 **WHEREAS,** from FY2016 through FY2018 the budget initiative was: "The end in mind is 'Sustainability.'  
 96 Assessment guidelines will be the path for the Tribal organization to develop a Fiscal Year

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<sup>1</sup> When labor costs exceed gaming and retail net profit, grants, and mandates by significant margins such as these, there is a concern that if a dip occurs in one of the revenue sources or an increase in mandates occurs, there will be an impact on labor and a required response to reduce labor costs in order to meet balanced budget demands.



2016 budget so that we may begin to implement strategies for growth in Fiscal Year 2017 and Fiscal Year 2018 to support the Oneida Tribe overall”; and

**WHEREAS,** for FY2019 through FY2022 the budget initiative is: “The goal of Sustainability is identified through measures of all activities in enterprises, programs, and services to ensure that the resources of the Oneida Nation are being utilized in a manner that creates the most effective and efficient use of those revenues or expenditures”; and

**WHEREAS,** prior to FY2016 and more intensely since FY2016, knowledge of the Nation, the economy, federal actions, grant changes, and our own changing community needs have demanded a more integrated response and requires the Oneida Business Committee to clarify budget, business, and programming decisions; and

**WHEREAS,** in the FY2018 and FY2019 budgeting processes it became clear that trending of expenses and accurately identifying business needs over the course of a calendar year was not consistently used, may have been utilizing erroneous information, or simply ignored; and

**WHEREAS,** the Oneida Business Committee identified situations in which a full salary for an employment position or group of similar positions were budgeted, but there had never been full employment in any one or several of the positions resulting a personnel line being overbudgeted reducing funds available for other programming needs; and

**WHEREAS,** the Oneida Business Committee identified situations in which trending was based on prior year budgets and not prior year expenditures such that over a 4-year period the following lines have resulted in positive variances because they are not based on actual expenditures:

- Supplies and Materials – 28% positive variance or over \$1 million,
- Travel – 35% or over \$500,000,
- Training and Education – 54% or almost \$350,000, and
- Mileage – 31% or over \$88,000; and

**WHEREAS,** the Oneida Business Committee believes that continuous improvement in our budgeting process results in the best use of our limited resources; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts this Budget Guidance resolution regarding the use of trending in budgeting and reaffirming the delegation of authority and responsibility to direct reports, division directors and all employees of the Nation.

**BE IT FURTHER RESOLVED,** authority and responsibility are defined as:

Authority and responsibility require employees to use good judgement in the use and expenditure of the Nation’s funds in carrying out the programming activities, including obtaining the most effective and efficient use of those funds to allow the greatest possible provisions of quality services. Authority and responsibility regarding grant or third-party funds require employees to exercise even greater responsibility regarding the use the grant or third-party funds in a manner that furthers the goals of the grant and to provide quality services related to the grant.

**BE IT FURTHER RESOLVED,** trending, as used in the Nation’s budgeting process is defined as:

Trending is utilizing the past three to five years of expenditures to develop budgets and to inform programming regarding the provision of services or business decisions to be predictive rather than reactive.

**BE IT FURTHER RESOLVED,** employees are required to review and monitor programming and community changes to focus programming services on an identified need that should be provided by the Oneida Nation government.



**BE IT FURTHER RESOLVED**, that the Oneida Business Committee reaffirms the ongoing need to manage the employment levels of the Nation to meet the conflicting restrictions regarding financial constraints, programming priorities, and community needs. Business units should begin with the expectation that no new positions will be added in the budget. To meet this goal, direct reports, Division Directors, and all employees that manage budgets or development of budgets should:

1. expect that no new positions will be added in the FY2020 and onward budgets;
2. review, reflect and appropriately amend employment philosophies that may be in place to address this employment constraint;
3. review, correct and work cooperatively with like services regarding workforce levels, developing strategic workforce plans, Triennial Goals, and improving programming to best use limited funds; and
4. recognize that a general cap does not recognize the specialized needs of different programs and that employees should use their responsibility to the Nation, its funds, and the community, when requesting additional employees.

**BE IT FURTHER RESOLVED**, that all direct reports, Division Directors, and all employees that manage budgets or development of budgets shall review wages and benefit lines and budget:

1. all employment lines at actual costs;
2. all high turnover positions shall be budgeted at 80% of the actual budget line; and
3. all positions estimated to be vacant at the beginning of each fiscal year shall be budgeted at 80% of the actual budget.

In all cases, the reduction to 80% of actual costs recognizes that our employment processes take approximately 10 weeks to fill a position from notice of vacancy to first day on the job.

**BE IT FINALLY RESOLVED**, that all non-personnel line items shall be based on trending. The Chief Financial Officer is directed to identify a five-year expenditure report that report in the Nation's accounting systems that can be accessed by, and utilized by, employees in budget development, timing of expenditures, and identifying programming changes.





**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54115-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## **Statement of Effect**

*Resolution: Triennial Goals – Trending – Budget Guidance Resolution*

### **Summary**

This resolution adopts budgeting guidance regarding the use of trending in budgeting and reaffirms the delegation of authority, as well as responsibility, to direct reports, division directors and all employees of the Nation.

*Submitted by: Kristen M. Hooker, Staff Attorney, Legislative Reference Office*

*Date: September 17, 2019*

### **Analysis from Legislative Reference Office**

The Oneida Business Committee (“OBC”) adopted the Budget Management and Control law (“Law”) 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 budget to be presented to the General Tribal Council (“GTC”) for approval. [1 O.C. 121.1-1].

In accordance with the Law, the OBC adopted resolution BC-09-27-17-I titled, *Strategic Workforce Planning – Budget – Implementation*, as amended by resolution BC-03-14-18-D, to:

- (1) Identify standard terms regarding the employment base as a method of standardizing and defining the employment levels of the Nation across the organization;
- (2) Require short term, mid-term and long-term activities and reporting by each business unit of the Nation; and
- (3) Direct all levels of the organization to know the budget strategies and goals and work cooperatively to evaluate current needs and resources to most effectively utilize the Nation’s limited resources.

Through the FY2018 and FY2019 budgeting processes, it has become clear that, throughout the organization, the trending of expenses and accurately identifying of business needs over the course of a calendar year was being measured inconsistently, being based on erroneous information or being altogether ignored during the reporting process.

The OBC understands that continuous improvement in the budgeting process results in the best use of the Nation’s limited resources. And, after having consulted with, among others, the Nation’s Chief Financial Officer regarding world economic impacts; Assistance Chief Financial Officer regarding budget trending; Gaming General Manager/Retail Manager regarding enterprise revenue trending; and Direct Reports regarding programming, grants, and current client needs, the OBC believes that business-as-usual no longer remains an option.

This resolution provides budgeting guidance with respect to the use of trending in budgeting and reaffirms certain delegations of authority/responsibility by:

- Defining the terms “authority”, “responsibility” and “trending”;



- Requiring employees of the Nation to review and monitor programming and community changes to focus programming services on an identified need that should be provided by the Oneida Nation government;
- With respect to managing employment levels of the Nation so as to account for the conflicting restrictions regarding financial constraints, programming priorities and community needs, directing business units to begin with the expectation that no new positions will be added in the budget and providing them with a process to meet that expectation;
- Requiring direct reports, division directors and all other employees that manage budgets or the development of budgets to review wages, as well as benefit lines, and budget:
  1. All employment lines at actual costs;
  2. All high turnover positions at 80% of the actual budget line;
  3. All positions estimated to be vacant at the beginning of each fiscal year at 80% of the actual budget; and
  4. Directing that all non-personnel line items be based on trending.
- And, by directing the Nation's Chief Financial Officer to identify a five (5) year expenditure report in the Nation's accounting systems that can be accessed by, and utilized by, employees in budget development, timing of expenditures, and identifying programming changes.

### ***Conclusion***

This resolution does not conflict with any of the Nation's laws.



Adopt resolution entitled Approve Changes to the Enterprise 401(k) Plan  
**Oneida Business Committee Agenda Request**

1. Meeting Date Requested: 9 / 25 / 19

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approve resolution to approve Changes to the Enterprise 401(k) Plan

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

BC approval needed to make changes to the Oneida Nation Enterprise 401(k) Retirement Plan effective Oct. 1, 2019 to allow higher compensated employees to participate in the plan. Amendments to the plan itself will be forthcoming once received from the plan Administrator, Transamerica.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Approve Changes to the Enterprise 401(k) Plan

**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Nation sponsors two tax-qualified retirement plans for the benefit of its employees, known as the Oneida Nation Governmental 401(k) Plan (the "Governmental Plan") and the Oneida Nation Enterprise 401(k) Plan (the "Enterprise Plan"); and

**WHEREAS,** the Nation engages Transamerica Retirement Services ("Transamerica") to provide investment, asset custody, recordkeeping and administration services with regard to the Governmental Plan and the Enterprise Plan (the "Plans"); and

**WHEREAS,** the Nation wishes to amend the Enterprise Plan effective October 1, 2019 to allow highly compensated employees to participate in the Enterprise Plan, subject to the same eligibility and automatic enrollment rules already in place under the Enterprise Plan; and

**WHEREAS,** Transamerica is in the process of preparing an Amendment to the Enterprise Plan at the request of the Nation, to be effective October 1, 2019; and

**WHEREAS,** the Nation's management personnel and outside legal counsel to the Nation have reviewed an outline of the proposed amendment to the Enterprise Plan and recommend that the proposed changes to the Enterprise Plan be authorized.

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby authorizes and approves changes to the Oneida Nation Enterprise 401(k) Plan effective October 1, 2019 and as discussed with the Business Committee this date.

**BE IT FINALLY RESOLVED,** that the Nation's Chief Financial Officer shall be, and hereby is, authorized and directed to execute on behalf of the Nation an Amendment to the Enterprise Plan upon receipt of such document from Transamerica and following review and approval by the Nation's Chief Deputy Counsel.





**Oneida Nation**  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
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## **Statement of Effect**

### *Resolution to Approve Changes to the Enterprise 401(k) Plan*

#### **Summary**

This resolution authorizes and approves changes to the Oneida Nation Enterprise 401(k) Plan to allow highly compensated employees to participate in the Enterprise Plan, effective October 1, 2019.

*Submitted by: Kristen M. Hooker, Staff Attorney, Legislative Reference Office*

*Date: September 17, 2019*

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

The Oneida Nation sponsors two (2) tax-qualified retirement plans for the benefits of its employees that are known as the Oneida Nation Governmental 401(k) Plan and the Oneida Nation Enterprise 401(k) Plan (collectively, the “Plans”). The Nation engages Transamerica Retirement Services (“Transamerica”) to provide the investment, asset custody, recordkeeping and administrative services relating to the Plans.

The Nation wishes to amend the Oneida Nation Enterprise 401(k) Plan (“Enterprise Plan”) to allow highly compensated employees to participate in the Enterprise Plan. At the request of the Nation, Transamerica is in the process of preparing an Amendment to the Enterprise Plan that, subject to the same eligibility and automatic enrollment rules already in place thereunder, would allow those highly compensated employees to participate in the Enterprise Plan, effective October 1, 2019.

The Nation’s management personnel and outside legal counsel have already reviewed an outline of the proposed amendment and recommend that the proposed changes to the Enterprise Plan be authorized. This resolution authorizes and approves the above-referenced changes to the Enterprise Plan, effective October 1, 2019. Upon receipt of the amended document from Transamerica, this resolution further directs that, following a review and approval by the Nation’s Chief Deputy Counsel, the Nation’s Chief Financial Officer execute on behalf of the Nation an Amendment to the Oneida Nation Enterprise 401(k) Plan.

#### **Conclusion**

This resolution does not conflict with any of the Nation’s laws.



Approve the September 16, 2019, regular Finance Committee meeting minutes  
**Oneida Business Committee Agenda Request**

1. Meeting Date Requested: 09 / 25 / 19

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

BC approval of Finance Committee Meeting Minutes of September 16, 2019

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution

☐ Budgeted - Grant Funded

☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.





## ***MEMORANDUM***

**TO:** Finance Committee  
**CC:** Business Committee  
**FR:** Denise J. Vigue, Executive Assistant  
**DT:** Sept. 17, 2019  
**RE:** E-Poll Results of: FC Meeting Minutes of September 16, 2019

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An E-Poll vote of the Finance Committee was conducted to approve the 9/16/19 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

**E-POLL RESULTS:**

**There was a Majority 5 YES votes from Patrick Stensloff, Larry Barton, Jennifer Webster, Chad Fuss and Daniel Guzman King to approve the Sept. 16, 2019 Finance Committee Meeting Minutes.**

These Finance Committee Minutes of Sept. 16, 2019 will be placed on the next Business Committee agenda of Sept. 25, 2019 for approval and placed on the next Finance Committee agenda of Oct. 1, 2019 to ratify this E-Poll action.

Per the Finance Committee By-Laws Article III-Meetings; Sect: 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum. & Sect: 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.

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# ONEIDA

## FINANCE COMMITTEE

**FC REGULAR MEETING**

Sept. 16, 2019 ▪ Time: 9:00 A.M.  
BC Executive Conference Room

**REGULAR MEETING MINUTES****FC REGULAR MEETING:**

Patricia King, FC Chair/Treasurer  
Jennifer Webster, BC Council Member  
Patrick Stensloff, Purchasing Director

Larry Barton, FC Vice-Chair/CFO  
Daniel Guzman King, BC Council Member  
Chad Fuss, Gaming AGGM (GGM Alt.)

**EXCUSED:** Shirley Barber, FC Elder Member

**OTHERS PRESENT:** Michelle Danforth, Michele Doxtator, Lora Skenandore, Glynis Alicea, Mari Kriescher, Sandra Schuyler, James Petitjean and Denise J. Vigue taking Minutes

**I. CALL TO ORDER:** The Regular FC Meeting was called to order by the FC Chair at 9:01 A.M.

**II. APPROVAL OF AGENDA:** SEPTEMBER 16, 2019

Motion by Larry Barton to approve the Finance Committee meeting agenda of Sept. 16, 2019.  
Seconded by Jennifer Webster. Motion carried unanimously.

**III. APPROVE E-POLL OF MINUTES:** SEPTEMBER 3, 2019 (Approved via E-Poll on 9/4/19):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on September 4, 2019 approving the Sept. 3, 2019 Finance Committee Meeting Minutes. Seconded by Patrick Stensloff. Motion carried unanimously.

**IV. TABLED BUSINESS:** None

**V. CAPITAL EXPENDITURES:** None

**VI. DONATIONS:**

**REPORT:****1. FC Donation Report for September 2019**

Denise J. Vigue, Finance

Motion by Jennifer Webster to accept /approve the September 2019 Finance Committee Donation Report. Seconded by Patrick Stensloff. Motion carried unanimously.

**REQUESTS:****1. Oneida Apostolic Church-Audio/Visual Equipment**

Amount: \$2,500.

Requestor: Pastor Juan Alicia

Motion by approve to approve from the FY20 Donation line the Oneida Apostolic Church request for Audio /Visual Equipment in the amount of \$2,500.00 and to have them check Camera Corner or Best Buy for better pricing. Seconded by Daniel Guzman King. Motion carried unanimously.



**2. Oneida Sportsmen's Club-Fall Banquet** Amount: \$2,500.

Requestor: Jeffrey Skenandore, Jr. OSC President

Motion by Larry Barton to approve from the FY20 Donation line the Oneida Sportsmen's Club Fall Banquet request for meal costs in the amount of \$2,500.00. Seconded by Jennifer Webster. Motion carried unanimously.

**Chad Fuss was excused at 9:25 A.M.**

**VII. NEW BUSINESS:**

**1. FY20 Blanket PO – St. Vincent Hospital DBA Prevea Health** Amount: \$225,225.

Dr. Vir/Debbie Danforth, Consolidated Health Services

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order with St. Vincent Hospital DBA Prevea Health in the amount of \$225,225.00 contingent upon the FY20 Budget or Continuing Resolution is approved. Seconded by Patrick Stensloff. Larry Barton abstained. Motion carried.

**2. FY20 Blanket PO - Christensen** Amount: \$75,000.

Dawn Walschinski, Kalihwisaks

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order with Christensen for print services in the amount of \$75,000.00 contingent upon the FY20 Budget or Continuing Resolution is approved. Seconded by Larry Barton. Motion carried unanimously.

**3. Mission Support Services (ARCC Remodel)** Amount: \$106,000.

Paul Witek, Engineering Dept.

Motion by Larry Barton to approve the contract request with Mission Support Services for the Airport Child Care bathroom remodel in the amount of \$106,000.00 contingent upon the FY20 Budget or Continuing Resolution is approved. Seconded by Jennifer Webster. Motion carried unanimously.

**4. FY19 PO Increase – Oracle Micros POS Upgrade** Amount: \$35,001.30

Paul Hockers, Gaming MIS

Chad Fuss explained there are additional on-site visits the consultant have as there are some complexities with setting the POS system; the Radisson, Gaming and Oneida will be set up separately for better recordkeeping but will be able to combine in the system; work is wrapping up this week, the next request is just an FYI as the contract had been previously approved.

Motion by Jennifer Webster to approve the FY19 Purchase Order increase for Oracle Micros POS Upgrade in the amount of \$35,001.30. Seconded by Larry Barton. Motion carried unanimously.

**5. Oracle Micros POS Upgrade** Amount: \$239,775.86

Paul Hockers, Gaming MIS

Motion by Jennifer Webster to accept as Information Only the Oracle Micros POS Upgrade information. Seconded by Patrick Stensloff. Motion carried unanimously.

**6. FY20 Blanket PO - S Abraham & Sons** Amount: \$42,000,000.

Michele Doxtator, Retail Profit Area Manager

Motion by Larry Barton to approve the FY20 Blanket Purchase Orders #6 through #10 in the amounts requested contingent upon the FY20 budget or Continuing Resolution is approved. Seconded by Jennifer Webster. Motion carried unanimously.

NOTE: FIO request #1 was reviewed directly after this request from Retail



7. **FY20 Blanket PO – US Venture** Amount: \$20,000,000.  
Michele Doxtator, Retail Profit Area Manager  
- SEE Motion in NB Request #6.
8. **FY20 Blanket PO – Title Town** Amount: \$5,000,000.  
Michele Doxtator, Retail Profit Area Manager  
- SEE Motion in NB Request #6.
9. **FY20 Blanket PO – Pepsi Cola** Amount: \$660,000.  
Michele Doxtator, Retail Profit Area Manager  
- SEE Motion in NB Request #6.
10. **FY20 Blanket PO – Deans Distributing** Amount: \$375,000.  
Michele Doxtator, Retail Profit Area Manager  
- SEE Motion in NB Request #6.
11. **FY19 PO Increase - PRN HM Health Therapy** Amount: \$80,000.  
Connie Danforth, AJRCCC Finance

Motion by Jennifer Webster to approve the FY19 Blanket Purchase Order increase with PRN HM Health Therapy up to \$80,000.00 provided a corrected memo is forwarded to the FC along with a clarification of the exact amount of the increase. Seconded by Patrick Stensloff. Motion carried unanimously.

#### VIII. EXECUTIVE SESSION:

Motion by Larry Barton to move into Executive Session. Seconded by Daniel Guzman King. Motion carried unanimously. Time: 9:35 A.M.

Motion by Larry Barton to come out of Executive Session. Seconded by Jennifer Webster. Motion carried unanimously. Time: 9:43 A.M.

1. **FY19 PO Increase – Independent Provider #2018-0650**  
Dr. Ravi Vir, Comp. Health Division – Medical Dir.  
Debra Danforth, Comp. Health Division – Operations Dir.

Motion by Jennifer Webster to approve the FY19 Blanket Purchase Order increase with the independent provider, #2018-0650 for health services in the amount as requested. Seconded by Larry Barton. Motion carried unanimously.

2. **FY20 Blanket Purchase Order – Independent Provider #2018-0650**  
Dr. Ravi Vir, Comp. Health Division – Medical Dir.  
Debra Danforth, Comp. Health Division – Operations Dir.

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order with the independent provider, #2018-0650 for health services in the amount as requested contingent upon the FY20 Budget or Continuing Resolution is approved. Seconded by Patrick Stensloff. Motion carried unanimously.

3. **FY20 Blanket Purchase Order – Keystone**  
Dr. Ravi Vir, Comp. Health Division – Medical Dir.  
Debra Danforth, Comp. Health Division – Operations Dir.



Motion by Jennifer Webster to approve the FY20 Blanket Purchase order with Keystone for \$100,000.00 noting it is being funded through the Tribal Opioid Grant. Seconded by Patrick Stensloff. Motion carried unanimously.

Motion by Larry Barton to direct the Treasurer to send a memo to the General Manager to send out to all areas the deadline for FY21 requests and FY20 Purchase Order increases that need Finance Committee approval to be submitted by August 1<sup>st</sup> each year. Seconded by Jennifer Webster. Motion carried unanimously.

**IX. FOLLOW UP:** None

**X. FOR INFORMATION ONLY:**

**1. Multiple FY20 Blanket PO's – Cost of Resale Products & Expenses**

Michele Doxtator, Retail Profit Area Manager

Motion by Larry Barton to accept as Information Only the multiple FY20 Blanket Purchase Orders from Retail for the cost of resale products and expenses. Seconded by Chad Fuss. Motion carried unanimously.

**2. Gov't to Gov't: Village of Ashwaubenon EMS Svs. Agreement**

Paula King Dessart, BC Support Office

Motion by Larry Barton to accept as Information Only the Government to Government agreement with the Village of Ashwaubenon for EMS Services. Seconded by Patrick Stensloff. Motion carried unanimously.

**XI. ADJOURN:** Motion by Patrick Stensloff to adjourn. Seconded by Jennifer Webster. Motion carried unanimously. Time: 9:55 A.M.

Minutes taken & transcribed by:  
Denise Vigue, Executive Assistant to the CFO  
& Finance Committee Contact/Recording Secretary

*Finance Committee-E-Poll Minutes Approval Date:* September 17, 2019

*Oneida Business Committee's FC Minutes Approval Date:* \_\_\_\_\_



**Oneida Business Committee Agenda Request**

Accept the September 4, 2019, regular Legislative Operating Committee meeting minutes

**1. Meeting Date Requested:** 9 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.





**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
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**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
 Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
 September 4, 2019  
 9:00 a.m.

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

**Others Present:** Maureen Perkins, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Leyne Orosco, Lee Cornelius, Jameson Wilson

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

David P. Jordan called the September 04, 2019, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded by Ernest Stevens III. Motion carried unanimously.

**II. Minutes to be Approved**

Motion by Kirby Metoxen to approve the August 7, 2019, Legislative Operating Committee meeting minutes and forward to the Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

**III. Current Business**

**1. Curfew Law (:41-4:45)**

Motion by Jennifer Webster to accept the updated public comment review memorandum, draft, and legislative analysis; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to approve the Curfew Law fiscal impact statement request memorandum and forward to the Finance Committee requesting that a fiscal impact statement be prepared and submitted to the Legislative Operating Committee by September 18, 2019, seconded by Ernest Stevens III. Motion carried unanimously.

**2. Sanctions and Penalties Law (4:46-7:43)**

Motion by Jennifer Webster to approve the community outreach notice and article for the Sanctions and Penalties Law, and forward to the Kalihwisaks for publication in the September 19, 2019, edition; seconded by Ernest Stevens III. Motion carried unanimously.

**IV. New Submissions**

**V. Additions**





**VI. Administrative Items****1. Family Court Law Rule No. 1 (7:46-10:49)**

Motion by Kirby Metoxen to certify the Family Court Law Rule No. 1 – Family Court Rule and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

**VII. Executive Session****VIII. Adjourn**

Motion by Ernest Stevens III to adjourn the September 04, 2019, Legislative Operating Committee meeting at 9:18 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



**Oneida Business Committee Agenda Request**

Adopt Judiciary law rule # 1 - Oneida Trial Court Rules

**1. Meeting Date Requested:** 9 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: \_\_\_\_\_  
Name, Title / Dept.Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.





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



TO: Oneida Business Committee  
FROM: David P. Jordan, Legislative Operating Committee Chairman  
DATE: September 25, 2019  
RE: Certification of Judiciary law Rule No. 1 – Oneida Trial Court Rules

On September 18, 2019, the Legislative Operating Committee (LOC) reviewed and certified the Judiciary law Rule No. 1 – Oneida Trial Court Rules (“the Rule”). Certification by the Legislative Operating Committee means:

- The certification packet provided by the Trial Court for the Rule contained all documentation required by the Administrative Rulemaking law for a complete administrative record;
- The promulgation of the Rule complied with the procedural requirements contained in the Administrative Rulemaking law; and
- The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

This Rule was developed in accordance with the Judiciary law which delegates authority to the Judiciary to create rules of pleading, practice, and procedure to regulate all hearings conducted before it. [8 O.C. 801.10-1]. This Rule supplements the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court. The Rule provides specific provisions regarding:

- Rules of decorum;
- Default Judgments
- Continuances;
- Participation Accommodations;
- Scheduling a Hearing;
- Ex Parte Communication;
- Peacemaking and Mediation;
- Contempt;
- Cases with no action for 60 days;
- Witnesses;
- Garnishments;
- Closed Hearings/Records;
- Temporary Restraining Orders;
- Citation Hearings;
- Probate Hearings;
- Judge’s Signature Defined; and
- Notice of Appearance.

The Rule would become effective upon adoption by the Oneida Business Committee in accordance with section 106.9-1 of the Administrative Rulemaking law.

### **Requested Action**

Adopt Judiciary law Rule No. 1 – Oneida Trial Court Rules



**MEMORANDUM**

TO: Legislative Operating Committee (LOC)  
FROM: Hon. Denice E. Beans, Trial Court  
DATE: September 4, 2019  
RE: Trial Court Rules

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This memorandum is being provided by the Trial Court to outline the dates that the procedural timelines outlined in the Administrative Rulemaking law were complied with. Those dates are as follows:

- Notice published in Kalihwisaks: July 3, 2019
- Notice published on the Oneida Register: June 12, 2019.
- Public meeting: July 23, 2019.
- Close of public comment period: July 30, 2019.

The supporting documents submitted with this memorandum include:

- Draft of the rule.
- Summary Report.
- Statement of Effect.
- Financial Analysis.
- Memorandum addressing public comments.
- Public meeting notice.

We are requesting that the proposed Trial Court Rules become a rule under 8 O.C. Chapter 803.

We are further requesting that the effective date of the rule be the date the Oneida Business Committee adopts the rule pursuant to section 106.8-2 of the Administrative Rulemaking law.





Title 8. Judicial System – Chapter 801  
 Judiciary  
 Rule #1 – ONEIDA TRIAL COURT RULES

- |                                  |                                       |
|----------------------------------|---------------------------------------|
| 1.1 Purpose                      | 1.11 Contempt                         |
| 1.2 Adoption, Amendment Repeal   | 1.12 Cases with no action for 60 days |
| 1.3 Appearances                  | 1.13 Witnesses                        |
| 1.4 Rules of Decorum             | 1.14 Garnishments                     |
| 1.5 Default Judgment             | 1.15 Closed Hearings/Records          |
| 1.6 Continuance                  | 1.16 Temporary Restraining Order      |
| 1.7 Participation Accommodations | 1.17 Citation Hearings                |
| 1.8 Scheduling a Hearing         | 1.18 Probate Hearings                 |
| 1.9 Ex Parte Communication       | 1.19 Judge's Signature Defined        |
| 1.10 Peacemaking and Mediation   | 1.20 Notice of Appearance             |
- 

### 1.1 Purpose

1.1-1. *Purpose.* The purpose of these rules is to supplement the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court.

### 1.2 Adoption, Amendment Repeal

1.2-1. These rules were created by the Trial Court and approved by the Oneida Business Committee in accordance with 8 O.C. 801.10-1 and 1 O.C. Chapter 106.

1.2-2. These rules may be amended or repealed pursuant to the procedures set out in the Judiciary and Administrative Rulemaking laws.

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

1.2-4. In the event of a conflict between a provision of these rules and a provision of another rule, the provisions of these rules shall control.

### 1.3 Appearances

1.3-1. When at all possible, the parties should appear in person.

1.3-2. In circumstances where it is difficult or impossible for a party to appear in person, the party may contact the Court Clerk to request an appearance by telephone or videoconference.

(a) It is the responsibility of the party to provide the Trial Court with a contact number where the party may be reached for the telephone or videoconference appearance.

(b) It is the responsibility of the party appearing by telephone or videoconference to be available at the scheduled time of the hearing.



**1.4 Rules of Decorum**

1.4-1. This section shall apply to all persons entering the courtroom.

- (a) All electronic devices shall be turned off or silenced as to not disrupt court proceedings.
  - (1) If any electronic devices are heard or seen, that person will be identified and may be removed from the courtroom by the Security Officer or Oneida Police Officer.
  - (2) Removal may be for the remainder of the hearing.
- (b) All persons are prohibited from using an electronic device to take pictures, take videos, text, or make sound recordings without permission from the Judge.
- (c) Unless otherwise approved by the Judge, all persons shall remove their sunglasses, hats or headwear, except those worn for religious or medical purposes.
- (d) No food or drink shall be permitted in the courtroom without permission from the Judge.
- (e) All persons shall identify themselves when asked by court security officers, law enforcement officers, and Oneida Judiciary staff.
- (f) Except for on-duty law enforcement officers and court security officers, no weapon of any type shall be taken, carried, or introduced into the Judiciary. All persons entering the Judiciary may be searched and examined by electronic detection equipment.
- (g) Court security officers, law enforcement officers, and Oneida Judiciary staff are authorized to open and inspect any item carried into the Judiciary.
- (h) Courtroom Capacity is limited to seating availability; standing during hearings is not allowed.
- (i) Disruptive children shall remain in the lobby and shall be accompanied by an adult.
  - (1) Court staff, including security, will not provide care for children during court proceedings.
- (j) No contact or communication is allowed between those in the gallery and the parties.
- (k) Those in the gallery shall not talk or whisper while court is in session. Absolute silence is required; any noise violation will result in removal from the courtroom.
- (l) Case related photos or expressions on clothing or any other items the Trial Court deems as a distraction to court proceedings will not be allowed.
- (m) No signs or banners are allowed in the courtroom. There shall be no demonstrations of any kind in the courtroom while court is in session.
- (n) Any other distracting or disorderly conduct not specifically addressed herein, may result in removal from the courtroom by security officers or law enforcement officers.
  - (1) Individuals may also be removed from the courthouse for attempting to listen in or eavesdrop on a closed Court proceeding.
- (o) All persons shall rise when the judge enters and leaves the courtroom.

1.4-2. This section shall apply to all parties, counsel and witnesses.

- (a) Parties, counsel and witnesses shall refer to the judge as “Your Honor.”
- (b) All parties, counsel, and witnesses shall refrain from interrupting or talking over one another.
- (c) Parties and/or counsel shall direct all concerns and remarks to the Court, not to the opposing party.



**1.5 Default Judgment**

1.5-1. If a party fails to appear at any Trial Court matter, the Court shall confirm and be satisfied that proper notice was provided.

1.5-2. If the Trial Court finds that proper notice was not provided, the matter shall be rescheduled. The Trial Court may make orders or give instructions on further service or notice efforts to occur before the rescheduled hearing.

1.5-3. If the Trial Court finds that proper notice was provided, the Trial Court may enter judgment against the party that failed to appear. The Trial Court, in its discretion, may require a party to produce sufficient evidence to support a judgment against the other party.

**1.6 Continuance**

1.6-1. A continuance means a hearing or other scheduled event is postponed to a later date.

1.6-2. Continuances shall only be granted by the Trial Court based on a written request of a party, a stipulation of the parties, or on the Trial Court's own motion.

1.6-3. A request for a continuance shall be decided on a case-by-case basis considering the circumstances present at the time of the request. Examples of acceptable reasons for a continuance may include, but are not limited to, the following:

- (a) Failure of a party to receive proper or sufficient notice;
- (b) Emergency involving the Judge, Court staff, and/or parties;
- (c) Unavailability of the courtroom;
- (d) A one-time request to obtain counsel;
- (e) To allow more time for settlement negotiations or peacemaking; and
- (f) Absence or unavailability of a material witness.

1.6-4. The Trial Court may impose conditions upon the granting of a continuance, such as requiring a party to provide documentation regarding an illness.

**1.7 Participation Accommodations**

1.7-1. In circumstances where a party would be restricted from participating in the court procedures, the person may request reasonable accommodations.

- (a) Requests for equipment shall be submitted at least two (2) weeks before a hearing.
- (b) All other reasonable accommodation requests shall be submitted at least one week before a hearing.

**1.8 Scheduling a Hearing**

1.8-1. The Court Clerk may contact the parties by any of the following communication methods:

- (a) Phone
- (b) Electronic mail
  - (1) If one party does not have a valid email address, the Court Clerk will look to other communication options.

1.8-2. The hearing may be done telephonically with the parties.

**1.9 Ex Parte Communication**

1.9-1. Ex parte communication is communication, either verbally or in writing, between a judge and a party about a pending case, without the other party present. Communication includes, but



is not limited to, the following: pleadings, letters, email, phone calls, or in-person conversations whether in or out of court.

1.9-2. Ex parte communication is forbidden, subject to the following exceptions:

- (a) When a party fails to appear at a court hearing where both parties have been properly noticed, the Trial Court may speak on the record with the party who appears.
- (b) When a party believes that sharing the communication with the other party would place the party or children in danger of physical harm.

### **1.10 Peacemaking and Mediation**

1.10-1. This section governs the application process for prospective peacemakers/mediators from outside of the Oneida Judiciary.

- (a) Applicants shall submit a completed application to serve as Peacemaker/Mediator to the Court Administrator.
- (b) A background check will be initiated through the Backgrounds Department at the Oneida Human Resources Department.
  - (1) Applicants that pass the background check may be scheduled an interview.
  - (2) Should a completed background check for an applicant fail to meet the minimum qualifications, a notice of denial of application is sent certified mail to the applicant.
- (c) The Judges involved with the interview will confer to discuss whether the applicant will be approved.
  - (1) If approved, the Court Administrator will process the applicant in the Purchasing Management system as an active vendor.
  - (2) If not approved, then Chief Trial Judge will send a letter stating the reasons for the denial.
- (d) Records.
  - (1) A complete record of all applications will be maintained by the Court Administrator.

1.10-2. This section governs the appointment of peacemakers/mediators.

- (a) Before being utilized by the Trial Court, a peacemaker/mediator must demonstrate an understanding of the role of the peacemaker/mediator.
  - (1) Such understanding may be demonstrated by completing peacemaking/mediation training, performing prior peacemaking/mediation work for the Trial Court, being recognized as a certified peacemaker/mediator by the Cultural Heritage Department and/or another jurisdiction, or such other means determined to be appropriate by the Trial Court.
- (b) The Trial Court may refer the parties to peacemaking or mediation in accordance with 8 O.C. chapter 801.6-2.
- (c) No person who is an interested party in a proceeding, appears as counsel in a proceeding on behalf of any party, or is an immediate relative or representative of an interested party may be appointed peacemaker/mediator in that proceeding without the consent of the parties.
- (d) The Trial Court shall have the duty of administering the peacemaker/mediator list for Trial Court cases. The Trial Court shall select a peacemaker/mediator from the list.

1.10-3. This section governs the conduct and duties of peacemakers/mediators.



- (a) A peacemaker/mediator shall maintain independence, objectivity, and the appearance of fairness in dealings with parties.
- (b) A peacemaker/mediator shall avoid any actual or apparent conflict of interest or impropriety in the performance of peacemaking/mediating responsibilities.
- (c) A peacemaker/mediator shall avoid self-dealing or association from which a peacemaker/mediator might directly or indirectly benefit in cases they are appointed, other than for compensation as peacemaker/mediator.
- (d) A peacemaker/mediator shall act immediately to resolve any potential conflict or impropriety. A peacemaker/mediator shall advise the Trial Court and the parties of the action taken, resign from the case, or seek Trial Court direction as may be necessary to resolve the conflict or impropriety.
- (e) A peacemaker/mediator shall not accept or maintain appointment if the performance of the duties of peacemaker/mediator may be materially limited by the peacemaker's/mediator's responsibilities to another client or a third person, or by the peacemaker's/mediator's own interests.
- (f) A peacemaker/mediator shall make no disclosures about the case except in documents to the Trial Court or as necessary to perform the duties of a peacemaker/mediator. A peacemaker/mediator shall keep confidential the contact information of the parties where there are allegations of domestic violence or a safety risk to a party or child.
- (g) A peacemaker/mediator may be provided copies of relevant pleadings, documents, and reports from the Trial Court file.
- (h) Unless otherwise approved by the Trial Court, a peacemaker/mediator shall provide the Trial Court with a written update within three (3) business days of the peacemaking session.

1.10-4. A peacemaker/mediator shall maintain the ethical principles of the rules of conduct set forth in these rules and is subject to discipline by the Trial Court.

- (a) If the Trial Court receives a complaint regarding the conduct of a peacemaker/mediator, the Trial Court shall do one of the following:
  - (1) The Trial Court may hold a hearing and issue a decision regarding the complaint against the peacemaker/mediator after all parties have been given an opportunity to be heard; or
  - (2) The Trial Court may, in its discretion or at the request of the parties, resolve the complaint against the peacemaker/mediator through receipt of briefs and issuance of a written decision rather than holding a hearing; or
  - (3) The Trial Court may screen out and take no action on complaints that are frivolous or repetitive. The Trial Court shall communicate in writing any such decision with the parties.
  - (4) Any other action that the Trial Court deems appropriate.
  - (5) The Trial Court may issue an order for discipline which may include, but is not limited to: additional training requirements, removal from a case, or removal from the peacemaker/mediator list.

1.10-5. A peacemaker/mediator shall be compensated at a rate that the Trial Court determines is reasonable.

- (a) A peacemaker/mediator shall keep accurate records of the time spent (to the tenth of an hour) and file an itemized statement and accounting with the Court Administrator.



- (b) There shall be no compensation paid for peacemaking/mediation done by a full-time Judge.
- (c) Private mediators may be used in accordance with 8 O.C. chapter 801.6-4(a).

### **1.11 Contempt**

#### **1.11-1. Procedure for direct contempt:**

- (a) Depending on the severity of the contemptuous action or behavior, a warning of contempt which may include a fine up to \$1,000 for each individual act, may be given to a person before a finding of contempt.
- (b) Unless a warning is given, immediately after a contemptuous action or behavior, the Trial Court shall find such person in contempt and state the amount of the fine.
  - (1) Upon a finding of contempt, the Trial Court shall include the fine amount, up to \$1,000.00 per act of contempt, in accordance with Oneida Judiciary Rules of Civil Procedure section 803.26-2.
- (c) A recess may be taken after the finding of contempt.
- (d) A written order for direct contempt shall be written in accordance with 803.31-1 (f).

#### **1.11-2. Procedure for indirect contempt:**

- (a) The Trial Court may, in its discretion or on motion by a party, resolve issues of indirect contempt through receipt and deliberation of briefs rather than a hearing.
- (b) The Trial Court may schedule a hearing within thirty (30) days of an alleged contemptuous action or behavior.
  - (1) The hearing shall be called to order in accordance with 803.38-1(a)
  - (2) The party alleging contempt has occurred will present its argument for contempt.
  - (3) The party who allegedly committed contempt will present its argument against contempt or may admit to contempt.
  - (4) Both parties shall have the opportunity for a rebuttal.
  - (5) In the event the Trial Court is alleging indirect contempt against a party, the Trial Court shall schedule a hearing within thirty (30) days of the alleged contemptuous action or behavior.
    - (A) The hearing shall be called to order in accordance with 803.38-1(a).
    - (B) The Trial Court shall describe the alleged contemptuous action or behavior.
    - (C) The party who allegedly committed the contempt will present its argument against contempt or may admit to contempt.
      - i. The party may purge a contempt charge by complying with the Trial Court order in accordance with 803.26-2.
    - (D) The non-contemptuous party may present its argument, if any, for or against contempt.
    - (E) The party who allegedly committed the contempt may offer a rebuttal.
    - (F) After the parties have been heard, the Trial Court may allow a person to comply with the Trial Court order in accordance with 803.26-3(b)(1).



**1.12 Cases with no action for 60 days**

1.12-1. Cases with no action for 60 days shall be scheduled for a status hearing.

**1.13 Witnesses**

1.13-1. Witnesses shall be examined from the counsel table. Persons examining witnesses may either stand or remain seated while examining a witness from counsel table. In no case shall a witness be crowded during examination.

1.13-2. Witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears.

1.13-3. Witnesses shall refrain from interrupting or talking over others.

1.13-4. Subject to the exceptions listed below, children shall not be present in the courtroom during court proceedings or participate in proceedings as a witness.

1.13-5. A child may participate in a proceeding upon a finding by the Trial Court that it will not be harmful to the child or disruptive to the Trial Court for the child to participate.

1.13-6. The Judge shall retain the discretion on determining whether testifying is in the best interest of a child. In the Rules of Evidence 804.9 states that every person is competent to be a witness. However, the following guidelines are established for child witnesses, so long as participation is in the child's best interest:

- (a) Eight (8) years of age or younger = strongly discouraged.
- (b) Nine (9) to twelve (12) years of age = possible but only when all other methods of obtaining evidence have failed.
- (c) Thirteen (13) years of age or older = permitted but with caution after consultation with the guardian ad litem, if any.

**1.14 Garnishments**

1.14-1. The Trial Court shall conduct the proceeding on the record informally, allowing each party time to address the Court.

1.14-2. Garnishment hearings will be held the second and fourth Wednesday of each month at the Oneida Judiciary.

1.14-3. The procedure for the garnishment hearing shall be as follows:

- (a) The Court Clerk will call the hearing to Order stating:
  - (1) The full name of the Court
  - (2) The name of the presiding Judge
  - (3) Case number
  - (4) A statement of authority and jurisdiction
  - (5) Creditor and Debtor state full name/ Debtor state current address
- (b) The Trial Court checks for proper notice
- (c) The Trial Court reads the purpose of the hearing
- (d) The Trial Court will read the following: judgment, amount, where the judgment was ordered, and case number.
- (e) The Trial Court will summarize the total judgment amount, consisting of judgment, post judgment interest, and filing fee.
- (f) The Trial Court will explain the garnishment rule; i.e. determination of maximum amount eligible to be garnished each week.



- (1) Debtor's gross income divided by 52 weeks = Gross weekly income (GWI).
- (2) Subtract 30% from GWI, taking into consideration of taxes & other mandated deductions = Disposable Wage.
- (3) The maximum amount subject to garnishment is twenty percent (20%) of debtor's disposable wage per pay period.
- (g) The Trial Court will hear how the creditor would like to proceed.
- (h) The Trial Court will hear how the debtor would like to proceed.
- (i) If the parties are unable to reach an agreed amount, the Judge will determine an amount, not exceeding the maximum amount identified by law.
- (j) The Judge will summarize the order for garnishment, default judgment or dismissal.
- (k) The Judiciary shall provide the Accounting Department with a copy of the garnishment order after the time frame for appeals have been exhausted.
- (l) A copy of the order will be mailed to all parties.

### **1.15 Closed Hearings/Records**

1.15-1. All hearings involving a juvenile shall be closed and the Records sealed.

1.15-2. At the request of any party or on its own motion, the Trial Court may close a hearing where the safety of a party, witness or other individual may be in jeopardy or for good cause in compelling circumstances. All Records from a closed hearing shall remain sealed.

### **1.16 Temporary Restraining Order**

1.16-1. When a Temporary Restraining Order (TRO) is issued without notice, a hearing shall be held within three (3) business days of such issuance.

- (a) The hearing shall be called to order in accordance with 803.38-1(a)
- (b) The Petitioner's case presentation
- (c) The Respondent's case presentation
- (d) Petitioner's rebuttal
- (e) Respondent's rebuttal

1.16-2. If a party has violated a TRO, the non-violating party may file a request with the Trial Court to find the other party in contempt.

### **1.17 Citation Hearings**

1.17-1. This section shall govern the procedures for citation hearings.

- (a) Citation pre-hearings will be held the third Thursday of each month at the Oneida Judiciary. The citation will include the scheduled pre-hearing date at least 30 days after the citation is issued.
- (b) If a Defendant does not contest the violation and appearance is not mandatory, the Defendant may pay the fine in full before the pre-hearing day and the Court cost/fees will be waived.
- (c) The procedure for the pre-hearing shall be as follows:
  - (1) Security or Court staff will give a copy of the Rights to the Defendant
  - (2) The Court Clerk will call the hearing to Order stating:
    - (A) The full name of the Court.
    - (B) The name of the presiding Judge.
    - (C) The Case number.



- (D) A statement of authority and jurisdiction.
- (E) Plaintiff and Defendant state full name/ Defendant state current address.
- (3) The Trial Court checks for proper notice.
- (4) The Trial Court reads the purpose of the hearing.
- (5) The Trial Court asks if Defendant understands the rights and if there are questions.
- (6) The Trial Court will read the relevant violation and possible fines and/or penalties to the Defendant.
- (7) The Trial Court explains the plea options: admit or contest
- (8) The Defendant will enter a plea of admit or contest to the violation unless the Defendant requests time to hire an attorney/advocate. The Defendant will be given a reasonable amount of time, not to exceed 14 calendar days, to hire an attorney/advocate. The attorney/advocate must be admitted to practice before the Oneida Judiciary.
- (9) If a contested plea is entered the Trial Court will schedule a trial 45 days out. A shorter time may be scheduled for the trial at the judge's discretion. A settlement conference may be scheduled with the Plaintiff's attorney any time before the contested hearing.
- (10) If an admission is entered, the Defendant may pay the fine or meet with the Plaintiff's attorney to stipulate to a payment agreement.
- (11) Citations issued to minor Defendants will be heard last. All hearings with minor Defendants shall be closed hearings.

### **1.18 Probate Hearings**

1.18-1. If the Trial Court Rules or other Laws of the Oneida Nation regarding probate lack definition, procedure, or legal precedent in a probate matter, the Trial Court shall use Wisconsin's Probate Code and its related chapters for guidance in accordance with 8 O.C. chapter 801.2-6.

- (a) This section, 1.18, will not take effect until probate administration rules are promulgated by Land Management and the Oneida Land Commission and adopted by the Oneida Business Committee in accordance with Resolution BC-05-09-18-A.

1.18-2. The Judiciary shall hear and administer disputed probate estates, probate estates requiring appointment of a guardian ad litem and probate estates in which Land Management seeks appointment as a personal representative.

1.18-3. The Trial Court shall conduct the proceeding on the record informally, allowing each person to present arguments and proofs and to examine witnesses to the extent reasonably required for full and true disclosure of the facts.

- (a) The Trial Court may admit any written, oral, documentary, or demonstrative evidence that is:
  - (1) Relevant, reliable, and probative;
  - (2) Not privileged under the Oneida Nation's Laws; and
  - (3) Not unduly repetitious or cumulative.
- (b) The Trial Court may exclude evidence if it overly confuses the issues or causes burdensome delay.



- (c) The Trial Court may consider the fact that evidence is hearsay when determining its probative value.
  - (d) The Trial Court will determine the weight given to any evidence admitted.
  - (e) Any party objecting to the admission or exclusion of evidence must concisely state the grounds. A ruling on every objection must appear in the record.
- 1.18-4. The procedure for the probate hearing shall be as follows:
- (a) All persons present for the hearing shall sign in on the sheet provided inside the courtroom. All persons signed in shall have an opportunity to address the Trial Court, as described below, in the order in which they signed in.
  - (b) The Court Clerk will call the hearing to Order stating:
    - (1) The full name of the Court
    - (2) The name of the presiding Judge
    - (3) The case number
    - (4) A statement of authority and jurisdiction
  - (c) The Trial Court reads the purpose of the hearing.
  - (d) If a personal representative has not been appointed, the Trial Court shall appoint a personal representative.
    - (1) If a personal representative has been appointed, the Trial Court shall hear objections to the appointment, if any, from any party who has an interest in the estate.
    - (2) The Trial Court shall either affirm the appointment or appoint another person.
    - (3) The Trial Court may require the personal representative to post a bond—a kind of insurance policy that protects the estate from losses the personal representative may cause it, up to a certain dollar amount depending on the size of the estate.
    - (4) The personal representative shall identify all the assets of the person who died, manage those assets throughout the probate process, pay any outstanding debts, taxes or estate expenses, make any distributions that are required by Tribal or state law, and distribute any remaining assets to the decedent's heirs or designees.
      - A. The personal representative shall provide all the above information to the Trial Court.
  - (5) Funeral costs have priority in settling a probate case. Then come taxing authorities, secured creditors and unsecured creditors who have made a claim. Finally, any remaining assets are distributed to the beneficiaries.
  - (e) Legal Notices:
    - (1) The Trial Court shall ensure that a formal legal notice was sent to beneficiaries named in the will, if any, and to heirs under state law (the people who inherit if there is no valid will).
    - (2) The Trial Court shall ensure that notices were sent to known creditors, and a published legal notice in the Newspaper of the Oneida Nation as well as any other local newspaper in the area where the decedent resided or last known address or where the property is located to alert other creditors.
      - A. The first publication must be published within fifteen (15) days of filing with the Trial Court. This notice shall be published at least two



- (2) times within a thirty (30) day period. The notice shall include the deadline for creditors to file a claim. The deadline shall be three (3) calendar months from the date of the first publication.
- B. Creditors must file any claims against the estate within three (3) months of notification. Once the three (3) month period has passed, creditors are prohibited from making claims against the estate.
- (f) If there is a will, it must be proven valid. A will may be proven valid by the statement from one or more of the witnesses, in one of these forms:
  - (1) a notarized statement, which witnesses signed when they witnessed the will,
  - (2) a sworn statement signed by a witness now,
  - (3) court testimony from a witness, or
  - (4) any other method the Trial Court deems valid.
- (g) The persons signed in may address the Trial Court.
- (h) A copy of the order will be mailed to all parties and those with an interest in the estate.

### **1.19 Judge's Signature Defined**

1.19-1. A Trial Court Judge's signature shall mean:

- (a) The judge's name hand written by that judge,
- (b) The judge's name signed by electronic means, or
- (c) The judge's signature stamp if the following conditions are met:
  - (1) An emergency exists, or the Trial Court Judge is unavailable to personally sign his or her name.
  - (2) The use of the signature stamp has been pre-approved and authorized by the Trial Court Judge.
  - (3) Authorization date and time is noted below the signature line.

### **1.20 Notice of Appearance**

1.20-1. The attorney or advocate whose name, address, and telephone number appear on a document presented for filing is considered counsel of record, and a separate notice of appearance need not be filed.

- (a) If the name of more than one attorney or advocate is shown on the cover of the document, the attorney who is counsel of record shall be clearly identified.

1.20-2. An attorney or advocate representing a party who will not be filing a document shall enter a separate notice of appearance as counsel of record indicating the name of the party represented and the case number, if known.

1.20-3. A separate notice of appearance shall also be entered whenever an attorney or advocate is substituted as counsel of record in a case.

1.20-4. An attorney or advocate may not withdraw from a case where a motion is pending, or a hearing has been scheduled except upon a motion and order of the Trial Court.



**Summary Report for Trial Court Rules  
September 4, 2019**

Original effective date: N/A

Amendment effective date: N/A

**Name of Rule:** Trial Court Rules

**Name of law being interpreted:** Oneida Judiciary Rules of Civil Procedure

**Rule Number:** 1

**Other Laws or Rules that may be affected:** N/A

**Summary of the proposed rule:** The purpose of these rules is to supplement the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court.

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

**Financial Analysis:** See Attached.

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





## **Statement of Effect**

### *Judiciary Law Rule No. 1 – Oneida Trial Court Rules*

#### **Summary**

The Judiciary law Rule No. 1 – Oneida Trial Court Rules supplements the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court.

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

*Date: June 11, 2019*

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

The Judiciary law delegates authority to the Judiciary to create rules of pleading, practice, and procedure to regulate all hearings conducted before it. [8 O.C. 801.10-1].

Judiciary law Rule No. 1 – Trial Court Rules (“the Rule”) supplements the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court. The Rule provides provisions regarding the following:

- Appearances [see Rule 1.3];
- Rules of Decorum [see Rule 1.4];
- Default judgment [see Rule 1.5];
- Continuances [see Rule 1.6];
- Participation accommodations [see Rule 1.7];
- Scheduling a hearing [see Rule 1.8];
- Ex-parte communication [see Rule 1.9];
- Peacemaking and mediation [see Rule 1.10];
- Contempt [see Rule 1.11];
- Cases with no action for sixty (60) days [see Rule 1.12];
- Witnesses [see Rule 1.13];
- Garnishments [see Rule 1.14];
- Closed hearings/records [see Rule 1.15];
- Temporary restraining orders [see Rule 1.16];
- Citation hearings [see Rule 1.17];
- Probate hearings [see Rule 1.18];
- Judge’s signature defined [see Rule 1.19]; and
- Notice of appearance [see Rule 1.20].

Section 1.3 of the Rule provides for the appearances of parties at hearings. The Rule requires that all parties appear in person for all hearings, except in circumstances where it is difficult or impossible for a party to appear in person and the party contacts the Court Clerk to request an appearance by telephone or videoconference. [see Rule 1.3-1, 1.3-2]. The requirement for a party to appear before the Court at any scheduled hearing or proceeding is already provided for in the Oneida Judiciary Rules of Civil Procedure. [8 O.C. 803.29-1]. Additionally, the Oneida Judiciary



Rules of Civil Procedure provides that the Court may allow a party to appear by telephone if requested in writing and submitted at least seven (7) days before a hearing or proceeding. [8 O.C. 803.29-1(c)]. Although the Rule does not specifically require the request to appear by telephone to be submitted in writing at least seven (7) days before a hearing, these provisions are still required by the Oneida Judiciary Rules of Civil Procedure.

Section 1.4-1(f) of the Rule provides that no person, except for on-duty law enforcement officers and court security officers, shall take, carry, or introduce into the Judiciary a weapon of any type. This provision of the Rule is consistent with Oneida Business Committee resolution BC-10-26-11-C which prohibits a person from carrying a weapon, whether in the open or concealed, on Tribal public property, including in any Tribal building, gaming or retail business, facility, construction site, vehicle or at any Tribally sponsored event, except for individuals who are actually engaged in the performance of the duties of their employment requiring them to carry a weapon, including sworn law enforcement officers or vendors who transport and/or distribute cash.

Section 1.5 of the Rule discusses default judgments. Default judgments have been addressed by the Oneida Judiciary Rules of Civil Procedure. The Oneida Judiciary Rules of Civil Procedure provides that if a party against whom a judgment for relief is sought has failed to appear, plead or otherwise defend as required in this Law or elsewhere, a default judgment may be granted by the Court upon the receipt of whatever evidence is deemed necessary to establish the claim. [8 O.C. 803.29-2]. Additionally, the Oneida Judiciary Rules of Civil Procedure provides that when a party who has filed a claim fails to appear, plead, or prosecute said claim as provided in this Law or elsewhere, a dismissal, which is treated as a default, may be granted by the Court, on its own or on a party's motion, dismissing the claim. [8 O.C. 803.29-3]. The Rule provides additional requirements for a default judgment by requiring that the Court verify that proper notice was provided prior to finding the party in default. [see Rule 1.5-1]. The Rule provides that if proper notice was not provided, the matter may be dismissed or rescheduled, and if the matter is rescheduled, the Court may make orders or give instructions regarding notice that shall occur prior to the rescheduled hearing. [see Rule 1.5-2]. The Rule also provides that if proper notice was provided, the Trial Court may enter judgment against the party that failed to appear, but may also require a party to produce sufficient evidence to support a judgment against the other party. [see Rule 1.5-3].

Section 1.6 of the Rule provides information on continuances. The Oneida Judiciary Rules of Civil Procedure only discusses continuances in regard to amending pleadings based on an objection at trial and provides that the Court may grant a continuance to enable the objecting party to provide evidence to satisfy the Court that the evidence would prejudice their action or defense on the merits. [8 O.C. 803.11-2(a)]. Section 1.6 of the Rule provides when the Court can grant a continuance, acceptable reasons for a continuance, and enables the Court to impose conditions upon the granting of a continuance.

Section 1.8 of the Rule provides information on scheduling a hearing. Section 1.8-1 of the Rule provides how the Court Clerk may contact the parties to schedule a hearing. Section 1.8-2 of the Rule then provides that the hearing can then be done telephonically with the parties. The Oneida Judiciary Rules of Civil Procedure provides that the Court may allow a party to appear by telephone if requested in writing and submitted at least seven (7) days before a hearing or



proceeding. [8 O.C. 803.29-1(c)]. Although this portion of the Rule does not specifically require the request to appear by telephone to be submitted in writing at least seven (7) days before a hearing, these provisions are still required by the Oneida Judiciary Rules of Civil Procedure.

Section 1.9 of the Rule addresses ex-parte communication. The Oneida Tribal Judiciary Canons of Judicial Conduct provide requirements for judges to follow in regard to ex-parte communication. [8 O.C. 802 1.12.2]. A judge is not allowed to initiate, permit, condone, or consider ex-parte communications with parties, counsel or interested persons, or other communications made to the Judge outside the presence of the parties and their lawyers, concerning a pending or impending matter, except that the following types of ex-parte communications may be allowed, if in accordance with adopted Judiciary regulations:

- Deliberations with other Judges seated on the same panel of Judges, if applicable.
- Communication for non-substantive matters such as for scheduling, administrative, or emergency purposes.
- Consultation with court staff and court officials whose functions are to aid the Judge in carrying out the Judge's adjudicative responsibilities.
- Consultation with other Judges on pending matters, but not with any Judge that has been disqualified from hearing the matter, or that would have appellate jurisdiction over the matter.
- Communications with a party or attorney where the matter does not and would not involve adversarial proceedings (e.g. name changes).
- Written advice from a disinterested expert on law or tribal custom or tradition, or on other sources of applicable law; where the parties are given written notice and afforded a reasonable opportunity to object and/or respond to such information.
- A Judge may consult ethics advisory committees, outside counsel, or legal experts concerning compliance with these Canons, or regarding the compliance of any lawyer or advocate with applicable Rules of Conduct or Ethics.
- Other communications as allowed by specialized local rules; for example, in Peacemaking, where the Peacemaker has a more involved role. [8 O.C. 802 1.12.2].

Section 1.9 of the Rule provides specialized local rules as referenced in the Oneida Tribal Judiciary Canons of Judicial Conduct. The Rule confirms that ex-parte communication, unless otherwise permitted by law, is forbidden, but then provides exceptions to the prohibition of ex-parte communication. [see Rule 1.9-2]. Section 1.9-2(a) of the Rule provides an exception to the prohibition of ex-parte communication when a party fails to appear at a court hearing where the parties have been properly noticed, and then allows the Court to speak on the record with the party or parties who appear. Additionally, Section 1.9-2(b) of the Rule provides an exception for when a party believes that sharing the communication with the other party or parties would place a party or a child in danger of physical harm. The Oneida Tribal Judiciary Canons of Judicial Conduct further state that a judge may disclose information where disclosure is necessary to protect the health or safety of the Judge or another person. [8 O.C. 802 1.9.2].

Section 1.10 of the Rule provides for peacemaking and mediation. The Judiciary law creates a Peacemaking and Mediation Division under the jurisdiction of the Trial Court in an effort to provide a forum for the use of peacemaking and mediation to resolve disputes in a fair manner. [8 O.C. 801.6-1]. The Judiciary law also provides that the Trial Court shall ensure that, where



necessary, procedural rules governing the operation of peacekeeping and mediation are promulgated in accordance with laws of the Nation. [8 O.C. 801.6-1(a)]. Section 1.10 of the Rule provides such procedural rules governing the operation of peacekeeping and mediation by providing the following:

- The application process for prospective peacemakers and/or mediators from outside of the Oneida Nation Judiciary [see Rule 1.10-1];
- The process for the appointment of peacemakers and/or mediators [see Rule 1.10-2];
- Provisions governing the conduct and duties of peacemakers and/or mediators [see Rule 1.10-3];
- Requirement that a peacemaker and/or mediator maintain the ethical principles of the rules of conduct set forth in the Rule or else be subject to discipline by the Trial Court, as well as the Trial Court's process for handling complaints against a peacemaker and/or mediator [see Rule 1.10-4]; and
- Details regarding the compensation of peacemakers and/or mediators [see Rule 1.10-5].

Section 1.11 of the Rule provides for contempt. The Oneida Judiciary Rules of Civil Procedure states that direct contempt is contempt committed in the presence of the Court or so near in presence as to be disruptive of the judicial proceedings, and such may be adjudged and punished summarily. [8 O.C. 803.26-3(a)]. Section 1.11-1 of the Rule provides a procedure for addressing direct contempt which includes provisions on a warning given after a contemptuous action depending on the severity of the action, the ability to fine the individual for contempt in accordance with section 803.26-2 of the Oneida Judiciary Rules of Civil Procedure, the ability to take a recess after a finding of contempt, and the requirement that written orders of contempt be in accordance with section 803.31-1(f) of the Oneida Judiciary Rules of Civil Procedure.

Section 1.11-2 of the Rule provides a procedure for indirect contempt. The Oneida Judiciary Rules of Civil Procedure provide that indirect contempt may be determined after a hearing in which the person accused of contempt is given notice and an opportunity to be heard. [8 O.C. 803.26-3(b)]. Section 1.11-2 of the Rule provides the procedure for holding a hearing to resolve an issue of indirect contempt. Section 1.11-2(b)(5)(f) of the Rule provides that after the parties have been heard, the Trial Court may allow the person the opportunity to comply with the Trial Court order which is consistent with the provisions of section 803.26-3(b)(1) of the Oneida Judiciary Rules of Civil Procedure. Additionally, both section 803.26-3(c) of the Oneida Judiciary Rules of Civil Procedure and section 1.11-2(a) of the Rule allow the Court, in its discretion or on motion by a party, to resolve issues of indirect contempt through receipt and deliberation of briefs rather than a hearing.

Section 1.13 of the Rule provides details regarding witnesses. Testimony by witnesses is briefly discussed in the Oneida Judiciary Rules of Civil Procedure which provides requirements that witness testimony be taken in open Court unless a law or rule adopted by the Nation provides otherwise [8 O.C. 803.23-1], that a solemn affirmation suffices for an oath [8 O.C. 803.23-2], and that the Court may appoint an interpreter [8 O.C. 803.23-4]. The Oneida Judiciary Rules of Evidence goes into greater detail regarding witnesses. [8 O.C. 804.9]. The Oneida Judiciary Rules of Evidence contains provisions regarding:

- The competency of a witness to testify in general [8 O.C. 804.9-1];
- The need for personal knowledge [8 O.C. 804.9-2];



- The requirement of an oath or affirmation to testify truthfully [8 O.C. 804.9-3];
- The use of an interpreter [8 O.C. 804.9-4];
- A judge's competency as a witness [8 O.C. 804.9-5];
- The impeachment of a witness [8 O.C. 804.9-6];
- A witness's character for truthfulness or untruthfulness [8 O.C. 804.9-7];
- Impeachment by evidence of a criminal conviction [8 O.C. 804.9-8];
- Religious beliefs or opinions [8 O.C. 804.9-9];
- The mode and order of examining witnesses and presenting evidence [8 O.C. 804.9-10];
- Writing used to refresh a witness's memory [8 O.C. 804.9-11];
- A witness's prior statements [8 O.C. 804.9-12];
- The Court's calling or examining a witness [8 O.C. 804.9-13]; and
- Excluding witnesses [8 O.C. 804.9-14].

The Oneida Judiciary Rules of Evidence specifically provides that the Court shall exercise reasonable control over the mode and order of examining witnesses as to make those procedures effective for determining the truth, avoid wasting time, and protect witnesses from harassment or undue embarrassment. [8 O.C. 804.9-10(a)(1)-(3)]. Section 1.13-1 of the Rule provides that a witness shall be examined from the counsel table, except when handling exhibits, and that a witness shall not be crowded during examination. Section 1.13-2 of the Rule then provides that witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears. Both sections of the Rule further the Oneida Judiciary Rules of Evidence's requirement that the court protect witnesses from harassment or undue embarrassment. The Rule then goes on to discuss the prohibition of children being present in the courtroom and participating in proceedings as a witness, and exceptions to when a child may participate as a witness. [see Rule 1.13-4, 1.13-5, 1.13-6].

Section 1.14 of the Rule provides additional details regarding garnishments. The Nation's Garnishment law provides an effective mechanism for creditors to access an employee's income for reduction of personal debt. [2 O.C. 204.1-1]. The Garnishment law includes provisions that provide for:

- garnishment action procedure [2 O.C. 204.5];
- garnishment to collect debt owed to the Nation [2 O.C. 204.6];
- the recognition of child support orders [2 O.C. 204.7];
- discharge from employment [2 O.C. 204.8]; and
- appeals [2 O.C. 204.9].

The Garnishment law provides that the Judiciary shall hold a garnishment hearing within sixty (60) days of receiving the completed petition. [2 O.C. 204.5-4]. Section 1.14-2 of the Rule clarifies that garnishment hearings will be held on the second and fourth Wednesday of each month at the Judiciary. Section 1.14-3 of the Rule then provides more specific details as to how the Trial Court will conduct garnishment hearings in accordance with the Garnishment law. Section 1.14-3(k) of the Rule also confirms the duty of the Trial Court to provide the Accounting Department a copy of the garnishment order after the time frame for appeals has been exhausted, as required by section 204.5-7 of the Garnishment law.



Section 1.15 of the Rule provides for closed hearings and/or records. The Judiciary law provides that the proceedings of the Trial Court and Court of Appeals shall be public and members of the general public may freely attend the same, except for peacemaking or mediation proceedings or if expressly prohibited by law; provided that, in any case where the presiding Judge determines that there are safety or confidentiality concerns the Judge may exclude from the proceedings all individuals not necessarily present as parties or witnesses. [8 O.C. 801.4-4]. Additionally, the Oneida Judiciary Rules of Civil Procedure provides that a witnesses' testimony shall be taken in open Court unless this Law or other rules adopted by the Tribe provide otherwise, as well as that the records of all hearings and matters shall be available except where they are prohibited from disclosure by law, court order, or rule. [8 O.C. 803.23-1, 803.32-2].

Section 1.15-1 of the Rule provides that all hearings involving a juvenile shall be closed and the records sealed. The Oneida Judiciary Rules of Civil Procedure provides an exception to its open record policy by stating that records of cases involving juveniles shall remain confidential and shall only be viewed by the parties or the legal guardian of a party who is a minor and their attorney or advocate, Judges and staff assigned to the case, and those other persons who first obtain a written release from a party to view material contained in the record. [8 O.C. 803.32-2(b)(1)].

Section 1.15-2 of the Rule provides that the Trial Court may close a hearing, at the request of any party or on its own motion, where the safety of a party, witness, or other individual may be in jeopardy or for good cause in compelling circumstances, noting that all records from a closed hearing shall remain sealed. The Oneida Judiciary Rules of Civil Procedure provides that at the request of any party or on its own motion, the Court may seal any part of a case file, preventing public disclosure. [8 O.C. 803.32-(b)(3)]. The Oneida Judiciary Rules of Civil Procedure then goes on to provide that a file or part of a file may only be sealed where the safety of a party, witness or other individual may be in jeopardy if the material is not placed under seal. [8 O.C. 803.32-(b)(3)]. Section 1.15-2 of the Rule provides more circumstances for when a file may be sealed than section 803.32-2(b)(3) by allowing for a hearing and records to be sealed "*for good cause in compelling circumstances.*" The Oneida Judiciary Rules of Civil Procedure allows a rule to prohibit further circumstances in which a record shall be sealed. [8 O.C. 803.32-2].

Section 1.16 of the Rule provides for temporary restraining orders. The Oneida Judiciary Rules of Civil Procedure allows the Court to issue a temporary restraining order without written or oral notice to the adverse party or its attorney or advocate if certain circumstances are met. [8 O.C. 803.35-2(a)]. The Law then goes on to state that on two (2) days' notice to the party who obtained the order without notice—or on shorter notice set by the Court—the adverse party may appear and move to dissolve or modify the order, and that the Court shall then hear and decide the motion as promptly as justice requires. [8 O.C. 803.35-2(a)]. Section 1.16-1 of the Rule further provides that when a temporary restraining order is issued without notice, a hearing shall be held within three (3) business days of such issuance. Section 1.16-2 of the Rule also provides that if a party has violated a temporary restraining order, the non-violating party may file a request with the Trial Court to find the other party in contempt. Refusal to obey any order or judgment of the Court is listed as a basis for finding an individual in contempt in the Oneida Judiciary Rules of Civil Procedure. [8 O.C. 803.26-1(c)].



Section 1.17 of the Rule provides further details on citation hearings. The issuance of citations is referenced throughout various laws of the Nation. The following laws of the Nation require that a citation pre-hearing date with the Judiciary Trial Court be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued:

- Public Use of Tribal Land law [6 O.C. 609.7-2];
- All-Terrain Vehicle law [4 O.C. 410.7-2];
- Water Resources law [4 O.C. 409.6-5];
- On-Site Waste Disposal law [4 O.C. 407.7-6];
- Hunting, Fishing, and Trapping law [4 O.C. 406.10-5];
- Well Abandonment law [4 O.C. 404.7-4];
- Tribal Environmental Response law [4 O.C. 401.10-3]; and
- Domestic Animals law [3 O.C. 304.13-2].

Additionally, the Recycling and Solid Waste Disposal law [4 O.C. 405.12-6], and the Non-Metallic Mine Reclamation law [4 O.C. 402.23-3] provide that citations may be issued, but do not specify a timeframe or process for handling citations.

Section 1.17-1 of the Rule confirms that citation pre-hearing dates shall occur at least thirty (30) days after a citation is issued, and clarifies the citation pre-hearings shall be held the third Thursday of each month at the Judiciary. Section 1.17-1(b)-(c) of the Rule then provides more specific details on the procedure the Trial Court will use when conducting citation hearings.

Section 1.18 of the Rule provides information regarding probate hearings. Section 1.18-1(a) of this Rule provides that this section, section 1.18, shall not take effect until such a time as the probate administration rules are promulgated by Land Management and the Oneida Land Commission and adopted by the Oneida Business Committee in accordance with resolution BC-05-19-18-A.

Section 1.18-1 of the Rule provides that if the Trial Court Rules or other laws of the Nation regarding probate lack definition, procedure, or legal precedent in a probate matter, the Trial Court shall use Wisconsin's Probate Code and its related chapters for guidance in accordance with section 801.2-6 of the Judiciary law which allows for the Judges to refer to established Wisconsin or federal case law precedent or laws for guidance in a situation where precedent for a particular matter has not been established. This is consistent with the Real Property law which provides that in instances where the Nation lacks definition, procedure, or legal precedent in a probate matter, the Nation shall use Wisconsin's Probate Code and its related chapters for guidance. [6 O.C. 601.4-5].

Section 1.18-2 of the Rule provides that the Judiciary shall hear and administer disputed probate estates, probate estates requiring appointment of a guardian ad litem, and probate estates in which Land Management seeks appointment as a personal representative. Section 1.18-3 and 1.18-4 then provide more specific details on the procedure the Trial Court will use to hold probate hearings. Sections 1.18-2, 1.18-3, and 1.18-4 of the Rule all conflict with the currently effective portions of the Real Property law.

Amendments to the Real Property law were most recently adopted by the Oneida Business Committee through resolution BC-05-09-18-A. Although section 601.8-2 of the version of the Real Property law adopted through resolution BC-05-09-18-A does identify that the Judiciary shall



hear and administer disputed probate estates or matters requiring appointment of a guardian ad litem, as well as those cases in which Land Management seeks appointment as a personal representative, this provision of the Real Property law has never taken effect.

Resolution BC-05-09-18-A identified that the amendments shall not affect the provisions of section 601.8 that are currently in effect until probate rules are promulgated and effective, in accordance with resolution BC-06-14-17-A. Resolution BC-06-14-17-A further recognizes that the Division of Land Management and the Oneida Land Commission had not yet promulgated the rules governing probate administration as required by law, and then provides provisions to replace section 601.8 of the Real Property law until the probate rules are promulgated and effective. The provisions provided by resolution BC-06-14-17-A only allow any declaratory ruling made by the Oneida Land Commission to be appealed to the Judiciary within thirty (30) days from the date of the ruling, as well as provide a party the ability to petition the Judiciary to reopen the case within three (3) years after the declaratory ruling has been mailed out if certain circumstances can be proved.

The language provided in section 601.8 of the version of the Real Property law adopted through BC-05-09-18-A will only go into effect when the probate administration rules promulgated by Land Management and the Oneida Land Commission are adopted and take effect. At that such time, section 1.18 of this Rule shall take effect.

Section 1.19 of the Rule defines what constitutes the Judge's signature. The Rule provides that a Trial Court Judge's signature shall mean:

- The Judge's name hand written by that Judge;
- The Judge's name signed by electronic means; or
- The Judge's signature stamp if the following conditions are met:
  - An emergency exists, or the Trial Court Judge is unavailable to personally sign his or her name;
  - The use of the signature stamp has been pre-approved and authorized by the Trial Court judge; and
  - Authorization date and time is noted below the signature line. *[see Rule 1.19-1]*.

The Oneida Judiciary Rules of Civil Procedure requires that all decisions be signed by the Judge assigned to the case and filed with the Clerk. *[8 O.C. 803.31-1(a)]*.

Section 1.20 of the Rule provides for notice of appearances. Section 1.20-4 of the Rule provides that counsel may not withdraw from a case where a motion is pending, or a hearing has been scheduled except upon motion and order of the Court. The Professional Conduct for Attorneys and Advocates law provides the conditions for when counsel may withdraw from representing a client. *[8 O.C. 810.14-2]*. Additionally, the Professional Conduct for Attorneys and Advocates law provides that counsel must comply with applicable court rules requiring notice to or permission of the Judiciary when terminating a representation. *[8 O.C. 810.14-3]*.

### ***Conclusion***

Adoption of the Judiciary law Rule No. 1 – Trial Court Rules would not conflict with any of the Nation's laws.



**Financial Analysis for Trial Court Rules**

| <b>Type of Cost</b>   | <b>Description/Comment</b> | <b>Dollar Amount</b> |
|---|----------------------------|----------------------|
| Start Up Costs  |                            | \$0                  |
| Personnel   |                            | \$0                  |
| Office  |                            | \$0                  |
| Documentation Costs   |                            | \$0                  |
| Estimate of time necessary for an individual or agency to comply with the rule after implementation |                            | \$0                  |
| Other, please explain   |                            | N/A                  |
| Total Cost (Annual)   |                            | \$0                  |

9/4/2019



## MEMORANDUM

TO: Legislative Operating Committee (LOC)  
FROM: Hon. Denice E. Beans, Trial Court  
Hon. Layatalati Hill, Trial Court  
Hon. John Powless, III, Trial Court  
DATE: September 4, 2019  
RE: Trial Court Rules: Public Meeting Comment Review

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On July 23, 2019, a public meeting was held regarding the proposed Trial Court Rules. This memorandum is submitted as a review of the oral and written comments that were presented at the public meeting and submitted within the public comment period.

*NOTE: Two individuals attended the Public Comment Meeting. One person gave two comments, below, the other person stated they had no comments and were there to observe the procedure for holding a Public Meeting for Comments.*

### **Comment 1. – Continuance**

#### **1.6 Continuance**

**1.6-2. Continuances shall only be granted by the Trial Court based on a written request of a party, a stipulation of the parties, or on the Trial Court's own motion.**

**Wes Martin (oral):** Thank you my name is Wes Martin, Oneida GTC Legal Office and uh I'm just here to gather information. This is the first time I was aware of this type of hearing and usually were no public hearing. But the only uh comment I had was to was the 1.6 it was per granting of continuances (coughs) and um it um uh I guess is in how, how is the Court going to uh keep in the way I read is that all written requests for continuance have to be in writing uh 1.6 continuance to 6.2. Um and then um I guess the next question, I guess is if the Court hold that to be uh we come to Court and all of sudden text that nobody can show up for whatever reason. Uh, can we make an oral request at that point instead of written? What a written on the follow because the way I read this is any continuance has to be in writing. Our request for continuance has to be in writing. Then I guess, it does have some language that Trial Court on it's own motion can grant a continuance but I just wanted to be cognit on here, it saying but I didn't receive any written notices for a continuance if we come in and request it for whatever reason. Does the can Court stand, the last time this has to be in writing or there can be some way for whatever reasons we need it. Uh again like a text while we are sitting out there and all of sudden your client for whatever got in a car accident, sick or you know. Is that Court hold that's the only comment I had on that one.

### ***Response***



The commenter asks for clarification on whether all motions for continuances have to be in writing. The purpose of these rules is to supplement the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court. The Oneida Judiciary Rules of Civil Procedure section 803.7-4 requires a motion to be in writing unless made during a hearing or trial. Therefore, a motion for a continuance may be made verbally at a hearing or trial. The commenter asks for clarification. Based on the comment, there are no suggested changes.

## **Comment 2. – Probate Representation**

### **1.18 Probate Hearings**

**1.18-1. If the Trial Court Rules or other Laws of the Oneida Nation regarding probate lack definition, procedure, or legal precedent in a probate matter, the Trial Court shall use Wisconsin's Probate Code and its related chapters for guidance in accordance with 8 O.C. chapter 801.2-6.**

- (a) This section, 1.18, will not take effect until probate administration rules are promulgated by Land Management and the Oneida Land Commission and adopted by the Oneida Business Committee in accordance with Resolution BC-05-09-18-A.**

**1.18-2. The Judiciary shall hear and administer disputed probate estates, probate estates requiring appointment of a guardian ad litem and probate estates in which Land Management seeks appointment as a personal representative.**

**1.18-3. The Trial Court shall conduct the proceeding on the record informally, allowing each person to present arguments and proofs and to examine witnesses to the extent reasonably required for full and true disclosure of the facts.**

- (a) The Trial Court may admit any written, oral, documentary, or demonstrative evidence that is:
  - (1) Relevant, reliable, and probative;**
  - (2) Not privileged under the Oneida Nation's Laws; and**
  - (3) Not unduly repetitious or cumulative.****
- (b) The Trial Court may exclude evidence if it overly confuses the issues or causes burdensome delay.**
- (c) The Trial Court may consider the fact that evidence is hearsay when determining its probative value.**
- (d) The Trial Court will determine the weight given to any evidence admitted.**
- (e) Any party objecting to the admission or exclusion of evidence must concisely state the grounds. A ruling on every objection must appear in the record.**

**1.18-4. The procedure for the probate hearing shall be as follows:**

- (a) All persons present for the hearing shall sign in on the sheet provided inside the courtroom. All persons signed in shall have an opportunity to address the Trial Court, as described below, in the order in which they signed in.**
- (b) The Court Clerk will call the hearing to Order stating:
  - (1) The full name of the Court**
  - (2) The name of the presiding Judge**
  - (3) The case number****



- (4) A statement of authority and jurisdiction
- (c) The Trial Court reads the purpose of the hearing.
- (d) If a personal representative has not been appointed, the Trial Court shall appoint a personal representative.
  - (1) If a personal representative has been appointed, the Trial Court shall hear objections to the appointment, if any, from any party who has an interest in the estate.
  - (2) The Trial Court shall either affirm the appointment or appoint another person.
  - (3) The Trial Court may require the personal representative to post a bond—a kind of insurance policy that protects the estate from losses the personal representative may cause it, up to a certain dollar amount depending on the size of the estate.
  - (4) The personal representative shall identify all the assets of the person who died, manage those assets throughout the probate process, pay any outstanding debts, taxes or estate expenses, make any distributions that are required by Tribal or state law, and distribute any remaining assets to the decedent's heirs or designees.
    - A. The personal representative shall provide all the above information to the Trial Court.
  - (5) Funeral costs have priority in settling a probate case. Then come taxing authorities, secured creditors and unsecured creditors who have made a claim. Finally, any remaining assets are distributed to the beneficiaries.
- (e) Legal Notices:
  - (1) The Trial Court shall ensure that a formal legal notice was sent to beneficiaries named in the will, if any, and to heirs under state law (the people who inherit if there is no valid will).
  - (2) The Trial Court shall ensure that notices were sent to known creditors, and a published legal notice in the Newspaper of the Oneida Nation as well as any other local newspaper in the area where the decedent resided or last known address or where the property is located to alert other creditors.
    - A. The first publication must be published within fifteen (15) days of filing with the Trial Court. This notice shall be published at least two (2) times within a thirty (30) day period. The notice shall include the deadline for creditors to file a claim. The deadline shall be three (3) calendar months from the date of the first publication.
    - B. Creditors must file any claims against the estate within three (3) months of notification. Once the three (3) month period has passed, creditors are prohibited from making claims against the estate.
- (f) If there is a will, it must be proven valid. A will may be proven valid by the statement from one or more of the witnesses, in one of these forms:
  - (1) a notarized statement, which witnesses signed when they witnessed the will,
  - (2) a sworn statement signed by a witness now,



- (3) court testimony from a witness, or
- (4) any other method the Trial Court deems valid.
- (g) The persons signed in may address the Trial Court.
- (h) A copy of the order will be mailed to all parties and those with an interest in the estate.

**Wes Martin (oral):** And uh the other comment 1.18 probate hearings um I know we get uh or I've been getting requests and we've been referring them to Land Management. Um and we don't, I think one came back uh there was a dispute um at that point, can we as our office, can our office get involve if it's in the Court system here and out of Land Management or is there some restrictions? Um for us representing people in probates uh if there's a dispute and it comes into the Judiciary cause usually we take cases if there are at the Judiciary but if we're not involve on the onset, can we still get involve if it's transferred from Land Manage... I don't know how many cases you have. If there's any disputes. I think we had one that came in and ah then they settled it. But I I'm just it was always that, was always a question whether or not. And we get involved once if there's a dispute with probate. Dem are the only two comments I have today.

### ***Response***

The commenter is seeking to know if his office, the GTC Legal Resource Center, can represent a party to a probate action when it is before the Oneida Judiciary if they have not been involved in the case before it came to the Oneida Judiciary. These rules do not address who and when a person may be represented by the GTC Legal Resource Center in a probate action. The GTC Legal Resource Center should make its own determination on who and when it should represent a person. Based on the comment, there are no suggested changes.



34 Áhsa Niwásha Kayé • July 3, 2019

## Local

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## NOTICE OF

**PUBLIC MEETING**

TO BE HELD

**July 23, 2019 at 9:00 a.m.**

IN

**Courtroom B of the Oneida Judiciary**

LOCATED AT

**2630 W. Mason Street, Green Bay, WI 54303**

In accordance with the Judiciary Law and Administrative Rulemaking law, the Trial Court is hosting this Public Meeting to gather feedback from the community regarding the following rule:

**TOPIC: Trial Court Rules**

This is a proposal to adopt rules that supplement the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court.

To obtain copies of the Public Meeting documents for this proposal, please visit

<https://oneida-nsn.gov/government/register/public-meetings/>

## **PUBLIC COMMENT PERIOD OPEN UNTIL July 30, 2019.**

During the Public Comment Period, all interested persons may submit written comments. These may be submitted to the Trial Court by U.S. mail, interoffice mail, e-mail or fax.

**Oneida Judiciary - Trial Court  
PO Box 19**

**Oneida, WI 54155**

**Email: [kdanfor3@oneidation.org](mailto:kdanfor3@oneidation.org)**

**Telephone: (920) 496-7200**

**Fax: (920) 496-7229**

**<https://oneida-nsn.gov/government/business-committee/minutes/>**

## **Altar built on Mauna Kea after state dismantles structures**

HILO, Hawaii (AP) ~ A new altar has been built near the summit of Mauna Kea, less than a day after state officials dismantled two other "ahu" in preparation for the construction of one of the most advanced telescopes in the world.

The new ahu isn't directly blocking access to the site where the Thirty Meter Telescope is planned, the Hawaii Tribune-Herald reported.

The two dismantled ahu were blocking access to the site.

The new ahu is across the road from the Maunakea Visitor Information Station where a structure called Hale o Kūiaimauna stood until state officials took it down Thursday.

State officials announced they were giving

permission for construction to begin on the Thirty Meter Telescope.

The decision came after the state Supreme Court in October upheld the project's permits.

Gov. David Ige said the state took down four unauthorized structures from the mountain on Thursday.

Native Hawaiian activists and telescope opponents said they used the structures for years and their removal was discriminatory and amounted to desecration.

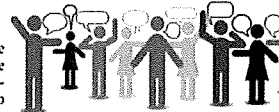
The new ahu was not built with a permit.

Opponents say the telescope will defile sacred land atop Mauna Kea, the state's highest peak and a place of religious importance to Native Hawaiians.

## **LEGISLATIVE OPERATING COMMITTEE COMMUNITY OUTREACH EVENTS**

### **SANCTIONS AND PENALTIES LAW**

At the March 17, 2019, General Tribal Council meeting the General Tribal Council directed that the consideration of the adoption of the proposed Sanctions and Penalties law be deferred until the General Tribal Council has additional time to consider it and have input.



Join the Legislative Operating Committee (LOC) at the following community outreach events to share ideas, ask questions, and provide input on the proposed Sanctions and Penalties law:

| DATE            | TIME   | LOCATION  |
|-----------------|--|---|
| July 11, 2019   | Prior to General Tribal Council Meeting from 5:00 pm—6:00 pm | Radisson Hotel & Conference Center                              |
| July 17, 2019   | 12:00pm-1:00pm   | Norbert Hill Center<br>Business Committee Conference Room       |
| August 9, 2019  | 8:00am-9:00am  | Oneida Veteran's Breakfast<br>Vets Office, Riverdale Dr, Oneida |
| August 15, 2019 | 12:00pm-3:00pm   | Oneida Farmer's Market<br>Water Circle Place, Oneida            |

### **Additional Opportunity for Input on the Sanctions and Penalties Law**

If you are unable to attend a community outreach event to provide input, the LOC is offering the additional opportunity to provide comments and input through written submissions. The LOC will be accepting written thoughts and comments from the community until August 31, 2019. Written comments can be submitted via e-mail to [LOC@oneidation.org](mailto:LOC@oneidation.org) or in person to the Legislative Reference Office located in the Norbert Hill Center.



#### **-FOR MORE INFORMATION-**

[www.oneida-nsn.gov/Register/FeaturedLegislation](http://www.oneida-nsn.gov/Register/FeaturedLegislation) or contact Oneida Nation Legislative Reference Office located in the Norbert Hill Center, PO Box 385, Oneida, Wisconsin 54155  
Email: [LOC@oneidation.org](mailto:LOC@oneidation.org) Phone: 920-869-4376



## Public Meeting Sign-In Sheet

Trial Court Rules

July 23, 2019 – Oneida Judiciary, Courtroom B

|    | Name        | Phone or Email |
|----|-------------|----------------|
| 1  | Wb Martin   | 920-869-9014   |
| 2  | Carol Silva | 496-5319       |
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| 4  |             |                |
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| 6  |             |                |
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**Oneida Business Committee Agenda Request**

Approve the Anna John Resident Centered Care Community Board bylaws amendments

**1. Meeting Date Requested:** 9 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



**ANNA JOHN RESIDENT CENTERED CARE COMMUNITY BOARD BYLAWS****Article I. Authority**

1-1. **Name.** The name of this entity shall be the Anna John Resident Centered Care Community Board and may be hereinafter referred to as the "Board."

1-2. **Establishment.** This Board was established by motion of the Oneida Business Committee on November 16, 1977 and is recognized by the adoption of these bylaws on November 16, 1977, as amended on April 11, 1979; December 15, 1980; May 15, 1984; February 9, 2011 and April 27, 2011.

1-3. **Authority.** The Board was established to serve in an advisory capacity for the Anna John Resident Centered Care Community ("AJRCCC") and is responsible for, including, but not limited to:

- (a) Enhancing services between the community, the residents of the AJRCCC, their families and the AJRCCC Administration;
- (b) Being involved, visiting and participating in activities with the residents of the AJRCCC;
- (c) Ensuring that the AJRCCC is equipped and staffed in a manner that provides the best services for residents of the AJRCCC;
- (d) Bringing the Board's and AJRCCC residents' concerns and/or complaints to the AJRCCC Administration, as well as the Comprehensive Health Division Director and/or the Oneida Business Committee liaison to the Board;
- (e) Ensuring that the AJRCCC operates within the guidelines and policies of the Oneida Nation and within all further regulations, rules and policies governing its operations;
- (f) Ensuring that the AJRCCC maintains a safe and sanitary environment while providing quality care and services to its residents as ordered by each resident's attending physician; and
- (g) Carrying out all other powers and/or duties delegated to the Board by the laws of the Nation.

1-4. **Office.** The official mailing address of the Board shall be:  
Anna John Resident Centered Care Community Board  
c/o Anna John Resident Centered Care Community  
2901 S. Overland Road  
Oneida, WI 54155

1-5. **Membership.**

- (a) **Number of Members.** The Board shall be comprised of seven (7) Board members.
- (b) **Appointed.** Board members shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law for four (4) year terms. Each member shall remain in office:
  - (1) If his or her term has expired, until a successor has been sworn in by the Oneida Business Committee;
  - (2) Until his or her resignation; or



- 49 (A) A member may resign at any time verbally at a meeting or  
 50 by delivering written notice to the Oneida Business  
 51 Committee Support Office and the Board Chairperson or the  
 52 Chairperson's designee. The resignation is effective upon  
 53 acceptance by motion of a member's verbal resignation or  
 54 upon delivery of the written notices.
- 55 (3) Until his or her appointment is terminated in accordance with the  
 56 Boards, Committees and Commissions law.
- 57 (c) **Filling of Vacancies.** Vacancies shall be filled in accordance with the  
 58 Boards, Committees and Commissions law.
- 59 (1) The Board's Chairperson shall provide the Oneida Business  
 60 Committee recommendations on all applications for appointment  
 61 by the executive session in which the appointment is intended to be  
 62 made.
- 63 (2) Vacancies of less than one (1) year shall be filled for the remainder  
 64 of the term and for a new four (4) year term. Vacancies with greater  
 65 than one (1) year remaining of the term shall be filled for the  
 66 remainder of the term.
- 67 (d) **Qualifications.** Board members shall meet the following qualifications:
- 68 (1) Be an enrolled member of the Oneida Nation;  
 69 (2) Be at least eighteen (18) years of age;  
 70 (3) Reside within Brown or Outagamie County; and  
 71 (4) Not be employed by the AJRCCC.
- 72
- 73 1-6. **Termination.** A Board member's appointment may be terminated in accordance with the  
 74 Boards, Committees and Commissions law. The following infractions shall  
 75 be cause for a recommendation by the Board to the Oneida Business  
 76 Committee for termination of a member's appointment:
- 77 (a) Three (3) unexcused absences from regular monthly meetings per calendar  
 78 year as determined in section 3-1 of these bylaws.
- 79 (1) A Board member who is unexcused for two (2) monthly meetings  
 80 shall be forwarded a reminder of the meeting dates by the Board  
 81 Secretary.
- 82 (2) **Leave of Absence.** Board members will be allowed up to three (3)  
 83 months Leave of Absence for a medical circumstance within their  
 84 term of appointment. The Board member requesting a Leave of  
 85 Absence shall bring the request to an Officer of the Board.
- 86 (b) A violation of any of the expectations set forth in Article IV of these bylaws  
 87 may result in a recommendation to the Oneida Business Committee for  
 88 termination of appointment.
- 89 (c) Recommendations to the Oneida Business Committee for termination of a  
 90 Board member's appointment must be determined by a majority vote of the  
 91 members in attendance at a Board meeting of an established quorum.
- 92
- 93 1-7. **Trainings and Conferences.** Board members shall be required to attend a minimum of two  
 94 (2) trainings or conferences per year. Stipends are only paid for attending a  
 95 full day of training/conferences in accordance with these bylaws; the  
 96 Boards, Committees and Commissions law; and resolution BC-05-08-19-B



97 titled, Amending Resolution BC-09-26-18-D Boards, Committees and  
98 Commissions Law Stipends, as may be further amended from time-to-time  
99 hereafter.

100 (a) Trainings/conferences shall include, but shall not be limited to:

- 101 (1) HIPAA;
- 102 (2) Medicare/Medicaid;
- 103 (3) Nutrition;
- 104 (4) Elderly Health Concerns; and
- 105 (5) Personal Growth.

106 (b) Regardless of the number of trainings/conferences that he or she is required  
107 to attend, no member of the Board shall be eligible to receive stipends for  
108 attending more than five (5) full days per year of the trainings/conferences  
109 set forth herein.  
110

## 111 **Article II. Officers**

112 2-1. ***Officers.*** The Board shall have three (3) Officers: Chairperson, Vice Chairperson and  
113 Secretary. The Officers of the Board shall perform other duties as may be  
114 required or requested by the Oneida Business Committee or General Tribal  
115 Council.  
116

117 2-2. ***Responsibilities of the Chairperson.*** The responsibilities, duties and limitations of the  
118 Chairperson of the Board are as follows:

- 119 (a) Shall call meetings, notify Board members, as well as the public, and  
120 develop agendas in conjunction with the Board Secretary and consistent  
121 with these bylaws, the Boards, Committees and Commissions law and the  
122 Nation's Open Records and Open Meetings law;
- 123 (b) Shall preside at all meetings of the Board and maintain orderly discussions;
- 124 (c) Shall receive, review and monitor all correspondence from the Board,  
125 present to the Board and sign all correspondence approved by the Board;
- 126 (d) Shall vote only in case of a tie;
- 127 (e) Shall submit approved and signed Board meeting minutes, in conjunction  
128 with the Board Secretary, to the Oneida Business Committee Support  
129 Office;
- 130 (f) Shall, in conjunction with the Board Secretary, submit quarterly reports to  
131 the Oneida Business Committee, and submit annual and semi-annual reports  
132 to the Oneida General Tribal Council in accordance with the Boards,  
133 Committees and Commissions law, and shall attend or designate a Board  
134 member to attend the Oneida Business Committee meeting where the  
135 Board's quarterly report is on the agenda; and
- 136 (g) Shall perform other duties assigned by the Board.  
137

138 2-3. ***Responsibilities of the Vice-Chairperson.*** The responsibilities, duties and limitations of  
139 the Vice-Chairperson of the Board are as follows:

- 140 (a) Shall perform the Chairperson's duties under section 2-2 of these bylaws in  
141 the absence of the Chairperson;
- 142 (b) Shall work with the Chairperson in all matters that concern the Board; and
- 143 (c) Shall perform other duties as assigned by the Board.  
144



- 145 2-4. ***Responsibilities of the Secretary.*** The responsibilities, duties and limitations of the  
146 Secretary of the Board are as follows:
- 147 (a) Shall assist the Chairperson in calling meetings (regular and emergency),  
148 providing notice and developing the agenda in accordance with section 2-2  
149 of these bylaws;
  - 150 (b) Shall maintain the minutes, reports and correspondence of the Board and  
151 provide notice of meeting agendas, documents, and minutes to all Board  
152 members, as well as the public, in accordance with these bylaws and the  
153 Nation's Open Records and Open Meetings law;
  - 154 (c) Shall perform the Chairperson's duties under section 2-2 of these bylaws, in  
155 the absence of the Chairperson and Vice-Chairperson;
    - 156 (1) The Secretary's authority to call and/or preside over meetings of the  
157 Board shall be limited to the following:
      - 158 (A) In the event that both the Chairperson and Vice-Chairperson  
159 positions become vacant before the end of their terms, the  
160 Secretary shall be allowed to call meetings of the Board to  
161 fill the vacancies and to preside over those meetings for the  
162 sole purpose of conducting an election under section 2-5 of  
163 these bylaws, at which point the Chairperson, or Vice-  
164 Chairperson in the absence of the Chairperson, shall preside.
  - 165 (d) Shall assist the Chairperson in submitting quarterly reports to the Oneida  
166 Business Committee and annual and semi-annual reports to the Oneida  
167 General Tribal Council;
  - 168 (e) Shall ensure the Board meeting minutes are recorded and reviewed by the  
169 Board;
  - 170 (f) Shall assist the Chairperson in submitting approved and signed Board  
171 meeting minutes to the Oneida Business Committee Support Office; and
  - 172 (g) Shall perform other duties as assigned by the Board.
- 173
- 174 2-5. ***Selection of Officers.*** Officers shall serve one (1) year terms and shall be elected by a  
175 majority vote of the members in attendance at a Board meeting of an  
176 established quorum.
- 177 (a) Vacancies among Officers of the Board shall be filled for the duration of  
178 the unexpired term by a majority vote of the members in attendance during  
179 the next regular or emergency Board meeting of an established quorum.
  - 180 (b) Officers may hold only one (1) Officer position per Officer term.
  - 181 (c) Members of the Board may be dismissed from their Officer position by  
182 majority vote of the members in attendance at a Board meeting of an  
183 established quorum.
- 184
- 185 2-6. ***Subcommittees.*** Subcommittees may be created and dissolved by the Board from time-to-  
186 time as conditions necessitate so long as in accordance with the Boards,  
187 Committees and Commissions law.
- 188 (a) A majority vote of the Board members present at a meeting of an established  
189 quorum shall be required to create a subcommittee.
  - 190 (b) Members of the subcommittee shall be appointed by the Chairperson and  
191 shall be terminated upon completion of their assignment, which ordinarily  
192 shall result in a written report to the Board.



- 193 (c) Should a subcommittee, established for whatever reason, be no longer  
194 meeting a valid goal of the Board, it may be terminated at any time by  
195 majority vote of the members present at a Board meeting of an established  
196 quorum.
- 197 (d) Members of a subcommittee shall not be eligible for stipends unless a  
198 specific exception is made by the Oneida Business Committee or the Oneida  
199 General Tribal Council.
- 200
- 201 2-7. **Budgetary Sign-Off Authority and Travel.** The Board shall follow the Nation's policies  
202 and procedures regarding purchasing and sign-off authority.
- 203 (a) Levels of budgetary sign-off authority for the Board shall be as set forth in  
204 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies*  
205 *and Procedures*, for Area Directors/Enterprise Directors.
- 206 (1) All Board Officers have sign-off authority and two (2) Officers shall  
207 be required to sign-off on all budgetary requests, unless otherwise  
208 stated herein.
- 209 (2) The Boards, Committees and Commissions Supervisor may sign-off  
210 on meeting stipends in lieu of the Board Officers upon the Board's  
211 request.
- 212 (b) The Board shall remain under the AJRCCC budget.
- 213 (c) Travel shall be approved by a majority vote of the members in attendance  
214 at a regular or emergency Board meeting of an established quorum.
- 215 (1) Travel will further need to be approved by the AJRCCC  
216 administrator.
- 217
- 218 2-8. **Personnel.** The Board shall not have the authority to hire personnel for the benefit of  
219 the Board.
- 220

### 221 Article III. Meetings

- 222 3-1. **Regular Meetings.** The Board shall meet monthly on the second (2nd) Wednesday of every  
223 month, commencing at 5:00 p.m., at the AJRCCC located in Oneida,  
224 Wisconsin.
- 225 (a) The meeting date, time and/or location may change from time-to-time as  
226 determined by the Board upon proper notice to all members in writing and,  
227 along with the public, in accordance with governing law, including, but not  
228 limited to, the Nation's Open Records and Open Meetings law, prior to the  
229 implementation of a new date, time and/or location.
- 230 (1) The meeting location shall remain within the Reservation  
231 boundaries unless notice is given to all Board members in writing  
232 and, along with the public, per governing law, including, but not  
233 limited to, the Nation's Open Records and Open Meetings law, prior  
234 to designating the meeting location.
- 235 (b) In the event a Board member is not able to attend a meeting, the Board  
236 member shall notify an Officer in writing no later than thirty (30) minutes  
237 prior to the start of the meeting in order to be excused from the meeting.
- 238 (1) If the Board member contacts an Officer after the deadline, the  
239 Board shall consider the circumstances and make a determination  
240 by a majority vote of the members in attendance at a Board meeting



241 of an established quorum to approve or deny the Board member as  
242 excused.

243 (c) Robert's Rules of Order shall be used as a guideline for conducting  
244 meetings.

245 (d) The Board Secretary or designee shall provide notice of the meeting agenda,  
246 documents, and minutes to all Board members via email, sent to the official  
247 Oneida Nation email address that they were provided to conduct business  
248 electronically on behalf of the Board ("Official Email"), and, along with the  
249 public, in accordance with the Nation's Open Records and Open Meetings  
250 law.

251

252 3-2. **Emergency Meetings.** An emergency meeting may convene outside of regular meetings to  
253 address an urgent matter. These meetings may be called by the Chairperson  
254 or Vice-Chairperson and as soon as a quorum can be established. The  
255 emergency causing the meeting shall be set forth in the minutes.

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

260 (b) Notification of an emergency meeting shall be provided to all Board  
261 members via their Official Email, as well as telephone call, and, along with  
262 the public, in accordance with the Open Records and Open Meetings law.

263

264 3-3. **Joint Meetings.** Joint meetings with the Oneida Business Committee may be held as agreed  
265 upon between the entities to take place at the Norbert Hill Center located in  
266 Oneida, Wisconsin, or some alternate location agreed upon between the  
267 Board and the Oneida Business Committee in advance of the joint meeting.

268 (a) Notice of the joint meeting agendas, documents and minutes shall be  
269 provided, and the joint meetings conducted, in accordance with resolution  
270 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
271 the Boards, Committees and Commissions – Definitions and Impact, as may  
272 be amended from time-to-time hereafter.

273

274 3-4. **Quorum.** A quorum shall consist of a majority of the current members of the Board  
275 and shall include either the Chairperson Vice-Chairperson or Secretary, but  
276 only if the Secretary is presiding over the meeting in accordance with  
277 section 2-4(c) of these bylaws.

278

279 3-5. **Order of Business.** The regular meetings of the Board shall follow the order of business as  
280 set out herein:

- 281 (a) Call to Order
- 282 (b) Roll Call
- 283 (c) Opening/Prayer (if requested)
- 284 (d) Approve/Amend Agenda
- 285 (e) Review/Approve/Amend Minutes
- 286 (f) Reports
- 287 (g) Tabled Business
- 288 (h) Old Business



- 289 (i) New Business
- 290 (j) Other Concerns/Announcements
- 291 (k) Next Meeting
- 292 (l) Adjournment
- 293

- 294 3-6. ***Voting.*** Voting shall be in accordance with the simple majority vote of over fifty
- 295 (50) percent of the Board members present at a meeting of an established
- 296 quorum.
- 297 (a) The Chairperson, or Officer presiding in his or her place, only votes in a tie.
  - 298 (b) E-polls are not permitted.
  - 299

- 300 3-7. ***Cancellation of Meetings.*** Any meeting may be cancelled due to unforeseen circumstances
- 301 or due to the inclement weather conditions and shall be rescheduled when
- 302 available.
- 303 (a) In the event a meeting is cancelled, the delegate Board Officer shall contact
  - 304 each Board member prior to the meeting.
  - 305 (b) If a Board member is uncertain of a cancelled meeting, call the AJRCCC
  - 306 Board Chairperson or an Officer member by 12:00 p.m., noon, the day of
  - 307 the meeting.
  - 308 (c) Should the Nation cancel work due to inclement weather, any scheduled
  - 309 meeting would also be cancelled.
  - 310

#### 311 **Article IV. Expectations**

- 312 4-1. ***Behavior of Members.*** Members of the Board are expected to behave as follows:

- 313 (a) They shall regularly check their Official Email for communication from
- 314 Board Officers.
- 315 (1) If access is not available, members shall utilize the Oneida Nation
- 316 Community Education Center.
- 317 (2) Use of personal or work email addresses for Board business is
- 318 prohibited.
- 319 (b) They shall treat other Board members, community members, AJRCCC staff
- 320 and residents with respect.
- 321 (c) When receiving concerns regarding AJRCCC, they shall have the
- 322 complainant put it in writing with as many details as possible for appropriate
- 323 follow-up.
- 324 (d) ***Enforcement.*** If a member violates this section, any other section of these
- 325 bylaws or any governing laws of the Nation, he or she may be subject to a
- 326 suspension from a future Board meeting; disciplinary action in accordance
- 327 with any law of the Nation governing sanctions and penalties for appointed
- 328 officials; and/or recommendation by the Board to the Oneida Business
- 329 Committee for termination in accordance with the Boards, Committees and
- 330 Commissions law.
- 331 (1) Recommendations for termination shall be decided by a majority
- 332 vote of the members in attendance at a Board meeting of an
- 333 established quorum.
- 334



- 335 4-2. ***Prohibition of Violence.*** Members of the Board are prohibited from committing intentional  
336 acts that inflict, attempt to inflict, or threaten to inflict, emotional or bodily  
337 harm on another person, or damage to property.  
338
- 339 4-3. ***Drug and Alcohol Use.*** Members of the Board are prohibited from using or being under  
340 the influence of prohibited drugs or alcohol while acting in their official  
341 capacity as AJRCCC Board members.  
342
- 343 4-4. ***Social Media.*** Members of the Board shall adhere to the Oneida Nation's Social Media  
344 Policy, their oath of office, and as follows with respect to social media:  
345 (a) Board members are prohibited from posting on social media confidential  
346 information shared in AJRCCC meetings and executive sessions.  
347 (1) Complaints shall be addressed with the AJRCCC administration.  
348 (b) Any publication of information must be approved by the Board.  
349
- 350 4-5. ***Conflict of Interest.*** Members of the Board must keep their Conflict of Interest form  
351 updated with the Oneida Business Committee Support Office.  
352 (a) Board members shall abide by all laws of the Nation governing conflicts of  
353 interest.  
354 (b) In the event of a conflict of interest regarding a complaint or concern in a  
355 Board meeting, the conflicted member shall excuse himself or herself from  
356 contributing to the conversation and refrain from voting.  
357

## 358 Article V. Stipends & Compensation

- 359 5-1. ***Stipends.*** Board members are eligible for the following stipends as set forth in and  
360 subject to these bylaws, the Boards, Committees and Commissions law, and  
361 resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D  
362 Boards, Committees and Commissions Law Stipends, as may be further  
363 amended from time-to-time hereafter:  
364 (a) One (1) monthly meeting stipend.  
365 (b) Stipends for Judiciary hearings.  
366 (1) A member of the Board may receive a stipend for attending an  
367 Oneida Judiciary hearing if that member is specifically subpoenaed.  
368 (c) A stipend for attendance at each full day of trainings/conferences that is  
369 required by law, bylaws or resolution.  
370 (d) A stipend for attendance at a duly called joint meeting as defined under the  
371 Boards, Committees and Commissions law.  
372
- 373 5-2. ***Compensation.*** Besides the travel, per diem and business expense reimbursement  
374 authorized by the Boards, Committees and Commissions law, Board  
375 members shall be entitled to no other compensation for the duties/activities  
376 they perform on behalf of the Board.  
377

## 378 Article VI. Records & Reporting

- 379 6-1. ***Agenda Items.*** Agenda items shall be given in the format provided by the Oneida Business  
380 Committee Support Office.



- 381 (a) Items and backup documents to be on the agenda shall be provided to the  
382 Board members a minimum of twenty-four (24) hours prior to the meeting,  
383 or items will be tabled to the next meeting.
- 384 (b) Packets of the proposed agenda and the backup documentation shall be  
385 made available at the meeting. Executive session items shall be stamped  
386 confidential.
- 387
- 388 6-2. **Minutes.** Minutes shall be typed in the Oneida Business Committee Support Office's  
389 approved format designed to generate the most informative record of the  
390 Board's meetings.
- 391 (a) All minutes shall be submitted to the Oneida Business Committee Support  
392 Office within thirty (30) calendar days after approval by the Board.
- 393 (b) Actions taken by the Board are valid when minutes are approved, provided  
394 that, minutes are filed according to this Article.
- 395 (c) Copies of the minutes shall be available in accordance with the Open  
396 Records and Open Meetings law.
- 397
- 398 6-3. **Attachments.** Handouts, reports, memoranda, and the like shall be attached to the minutes  
399 and agenda from the meeting in which they were presented. Records of  
400 attachments will be saved in the AJRCCC folder on the Oneida Nation  
401 network.
- 402
- 403 6-4. **Oneida Business Committee Liaison.** The Board shall regularly communicate with the  
404 Oneida Business Committee liaison. The frequency and method shall be as  
405 agreed upon by the Board and the liaison, but no less than that required in  
406 any law or policy on reporting developed by the Oneida Business  
407 Committee or Oneida General Tribal Council.
- 408 (a) The Chairperson shall report to the Oneida Business Committee liaison.
- 409
- 410 6-5. **Audio Recordings.** The Board shall audio record all meetings, except executive session  
411 portions of the meetings.
- 412 (a) All recordings will be kept in the AJRCCC folder on the Oneida Nation  
413 network and maintained in accordance with the Nation's Open Records and  
414 Open Meetings law.
- 415 (b) The Board will use the Board laptop provided by AJRCCC administration  
416 to record the meetings.
- 417

## 418 **Article VII. Amendments**

- 419 7-1. **Amendments to Bylaws.** The Board, upon written notice, at a duly called regular meeting,  
420 may, by a majority vote of the members present at a Board meeting of an  
421 established quorum, adopt, amend or repeal any provisions of these bylaws.
- 422 (a) Amendments to these bylaws must conform to the requirements of the  
423 Boards, Committees and Commissions law, as well as any other policy of  
424 the Nation.
- 425 (b) Amendments are effective upon adoption by the Board and approval by the  
426 Oneida Business Committee.
- 427



7-2. **Updating and Review.** The Board shall conduct review of these bylaws as needed, but no less than on an annual basis.

These bylaws as amended and revised, were adopted by the Anna John Resident Centered Care Community Board at a duly called meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2019, with amendments approved by the Chairperson of the Anna John Resident Centered Care Community Board at the XXX 30, 2019 Legislative Operating Committee meeting.

\_\_\_\_\_  
Candace J. House, Chairperson  
Anna John Resident Centered Care Community Board

Approved by the Oneida Business Committee at a duly called meeting held on

\_\_\_\_\_





## Anna John Resident Centered Care Community Board Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

| REQUESTER:<br>Legislative<br>Reference Office                 | SPONSOR:<br>David P. Jordan   | DRAFTER:<br>Kristen M. Hooker | ANALYST:<br>Maureen Perkins |
|---|---|-------------------------------|-----------------------------|
| Complies with<br>Boards,<br>Committees and<br>Commissions Law | These amendments comply with the Boards, Committees and Commissions law [1 O.C. 105.10].  |                               |                             |
| Intent of the<br>Bylaws                                       | The intent of these amendments is to comply with the Oneida Business Committee (OBC) directives for amendments to be included in all boards, committees and commissions bylaws.   |                               |                             |
| Purpose   | The purpose of the Anna John Resident Centered Care Community Board (Board) is to serve in an advisory capacity for the Anna John Resident Centered Care Community (AJRCCC) ensuring the operations are within the guidelines and policies of the Oneida Nation and within all regulations, rules and policies governing the operation of the ARJCCC. The Board also ensures the AJRCCC maintains a safe and sanitary environment while providing quality care and services to residents of the facility and as ordered by each resident's attending physician [Proposed Bylaws 1-3]. |                               |                             |
| Related Legislation   | Oneida Nation Constitution, Boards, Committees and Commissions law, Travel and Expense Policy, Open Records and Open Meetings law   |                               |                             |
| Enforcement/Due<br>Process                                    | The Boards, Committees and Commissions law provides the enforcement process for appointed members. Members of the Board serve at the discretion of the OBC. Upon the recommendation of a member of the OBC or by recommendation of the Board by majority vote [Proposed Bylaws 4-1(d)(1)], a member of the Board may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC shall be required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal [1 O.C. 105.7-4].    |                               |                             |
| Public Meeting  | Public meetings are not required for bylaws.  |                               |                             |
| Fiscal Impact   | A fiscal impact statement is not required for bylaws.   |                               |                             |

### 1 SECTION 2. BACKGROUND

- 2 A. The Board bylaws amendments were added to the active files list on October 3, 2018, with David P.
- 3 Jordan as the sponsor.
- 4 B. The Board was established by motion of the Oneida Business Committee on November 16, 1977.
- 5 C. The current bylaws were approved by the OBC on February 27, 2019. There are additional changes
- 6 the OBC directed for all the Nation's boards, committees and commissions bylaws in addition to those
- 7 changes required per the Boards, Committees and Commissions law. This analysis reviews those
- 8 additional directed changes.
- 9

### 10 SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- 11 A. The bylaws comply with the Boards, Committees and Commissions law.



- 12 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-  
13 18-D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar  
14 amounts and eligibility requirements of stipends.
- 15 C. The proposed bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business  
16 Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.  
17

## 18 SECTION 4. AMENDMENTS

19 This section details the changes to the bylaws from the amended bylaws adopted on February 27, 2019.

- 20 A. Termination. A provision was added defining an un-excused absence as failure to notify a Board  
21 Officer, in writing, of his or her pending absence no less than thirty (30) minutes before the scheduled  
22 meeting that he or she will be absent from *[Proposed Bylaws 3-1(b)]*. Three (3) unexcused absences  
23 from regular monthly meetings per calendar year will result in a recommendation by the Board to the  
24 OBC to terminate the member’s appointment *[Proposed Bylaws 1-6(a)]*. A provision was added  
25 requiring any recommendation to the OBC of termination of membership from the Board must be by  
26 majority vote of members at a meeting with an established quorum *[Proposed Bylaws 1-6(c)]* and  
27 *[Proposed Bylaws 4-1(d)(1)]*.  
28
- 29 B. Trainings and Conferences. A provision was added that regardless of the number of required trainings  
30 or conferences, each member of the Board will only receive stipends for no more than five (5) full days  
31 of training or conference attendance per year *[Proposed Bylaws 1-7(b)]*.  
32
- 33 C. Open Records and Open Meetings. The following provisions were added in relation to the Open  
34 Records and Open Meetings law:
- 35 • References were added that notice of meetings will meet requirements in this law *[Proposed*  
36 *Bylaws 2-2(a) and (b)]* and *[Proposed Bylaws 3-1(a)(1)]* and *[1 O.C. 107.15]* in accordance  
37 with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(f)]*.
  - 38 • A provision was added related to proper notice to all members, in writing, and to the public, in  
39 accordance with this law prior to any change to the designated meeting location *[Proposed*  
40 *Bylaws 3-1(a)]* and *[1 O.C. 107.15-2(c)]*.
  - 41 • Notification of meetings will be provided by the Board’s official email to all Board members  
42 in accordance with this law *[Proposed Bylaws 3-2(b)]* and *[1 O.C. 107.15]*.
  - 43 • Audio recordings will be maintained in accordance with this law *[Proposed Bylaws 6-5(a)]* *[1*  
44 *O.C. 107.7-3]*.  
45
- 46 D. Officers. The following provisions were added in relation to Officer duties:
- 47 • The duty to provide notice of meeting agendas, documents, and minutes to all Board members,  
48 as well as the public, in accordance the Open Records and Open Meetings law, was added to  
49 the duties of the Board Secretary *[Proposed Bylaws 2-4(b)]* and *[Proposed Bylaws 3-1(d)]*.
  - 50 • A provision was added that if the Chairperson and the Vice-Chairperson positions both become  
51 vacant at the same time, the Board Secretary shall call and preside over a meeting of the Board  
52 to fill vacancies and to preside over meetings to conduct an election after which the newly  
53 elected Chairperson or Vice-Chairperson shall preside *[Proposed Bylaws 2-4(g)]*. In this case  
54 the Secretary may also be included to meet the quorum requirement *[Proposed Bylaws 3-4]*.
  - 55 • A provision was added that Board members may be dismissed from an Officer position by  
56 majority vote at a meeting with an established quorum *[Proposed Bylaws 2-5(c)]*.
  - 57 • Special committees were changed to Subcommittees and detail was added *[Proposed Bylaws*  
58 *2-6]* to comply with the Boards, Committees and Commissions law *[1 O.C. 105.13-10]*.  
59
- 60 E. Budgetary Sign-Off Authority and Travel. The sign-off authority levels have changed. The Board will  
61 follow the Nation’s policies and procedures regarding purchasing and sign-off authority and will use



62 levels for budgetary sign-off authority that are as set forth in the Oneida Tribe of Indians of Wisconsin  
63 Purchasing Policies and Procedures Manuel. All Board Officers shall have sign-off authority and two  
64 (2) Officers must sign-off on budgetary requests, including stipends and expenses [*Proposed Bylaws*  
65 *2-7*].

- 66 • Although not applicable to the Board; the Board will follow the budgetary sign-off levels  
67 dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures  
68 Manuel for Area Directors/Enterprise Directors, page 217, which includes the following levels  
69 of sign-off authority:
  - 70 i. Budgeted items with three bids for items between \$3,000 and \$10,000;
  - 71 ii. Unbudgeted items between \$1,000 and \$5,000; and
  - 72 iii. Budgeted but sole source items between \$1,000 and \$5,000.
- 73 • All travel must be authorized by two (2) Officers in accordance with the Travel and Expense  
74 Policy [*2 O.C. 219.4-2*]. All travel must be approved through majority vote of a quorum of  
75 Board members in attendance at a regular or emergency Board meeting and will be further  
76 approved by the AJRCCC administrator [*Proposed Bylaws 2-7(c)*] in accordance with the  
77 Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*]. Board members may  
78 travel in the Nation's vehicles when certified and must follow the Vehicle Driver Certification  
79 and Fleet Management law [*2 O.C. 210*].  
80

81 F. Emergency Meetings. Notification of emergency meetings will be provided to all Board members via  
82 their official email provided by the Nation and a telephone call; as well as provided to the public in  
83 accordance with the Open Records and Open Meetings law [*Proposed Bylaws 3-2(b)*] and [*1 O.C.*  
84 *107.15*].  
85

86 G. Joint Meetings. The bylaws contain joint meetings with the OBC [*Proposed Bylaws 3-3*] on an as  
87 needed basis, with the approval of the OBC. This complies with the Boards, Committees and  
88 Commissions law [*1 O.C. 105.10-3(c)(3)*].

- 89 • Joint meetings will be held in the OBC conference room. The meeting notice, agenda  
90 documents and minutes for joint meetings will be provided and the joint meetings will be  
91 conducted in accordance with OBC Resolution BC-03-27-19-D titled "Oneida Business  
92 Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and  
93 Impact".  
94

95 H. Enforcement of Behavioral Requirements. Recommendations by the Board for termination of  
96 appointment by the OBC require a majority vote of members at a meeting with an established quorum  
97 [*Proposed Bylaws 4-1(d)(1)*].  
98

99 I. Social Media. Board members are required to adhere to the Social Media policy and their oath of office  
100 [*Proposed Bylaws 4-4*].  
101

102 J. Compensation. Board members are only eligible for travel, per diem and business expense  
103 reimbursement [*Proposed Bylaws 5-2*] as authorized in the Boards, Committees and Commissions law  
104 [*1 O.C. 105.13-9*] in accordance with the Nation's Travel and Expense Policy [*2 O.C. 219.4-2*].  
105

106 K. Amendments. Bylaws will be reviewed by the Board no less than annually [*Proposed Bylaws 7-2*].  
107

108 L. Minor Changes. Minor changes were made throughout the bylaws amendments for clarity.  
109

## 110 **SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS**

111 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a list of laws  
112 referenced in the Board bylaws amendments.



- 113 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows  
114 for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida*  
115 *Nation Constitution, Article IV, Section 1(g)*]. There are no conflicts between these bylaws and the  
116 Oneida Nation Constitution.  
117
- 118 B. Boards, Committees and Commissions [1 O.C. Chapter 105]. This law establishes all requirements  
119 related to elected and appointed Boards, Committees and Commissions of the Nation. The law  
120 governs the procedures regarding the appointment and election of persons to boards, committees  
121 and commissions, creation of bylaws, maintenance of official records, compensation, and other  
122 items related to boards, committees and commissions. The Board is appointed by the Oneida  
123 Business Committee [*Proposed Bylaws 1-5(b)*]. The requirements for entity bylaws are contained  
124 in this law as well as a requirement that all existing entities of the Nation comply with the format  
125 detailed in the law and present the bylaws for adoption by the OBC within a reasonable timeframe.  
126 These Board bylaws comply with the Boards, Committees and Commissions law.  
127
- 128 C. Travel and Expense Policy [1 O.C. Chapter 219]. Members of the Board are eligible to be  
129 reimbursed for travel and per diem to attend a conference or training in accordance with the  
130 Nation's travel policies. A list of eligible training and conference topics is included in Article I. 1-  
131 7 of the bylaws. Travel must be authorized by two (2) Officers in accordance with this Policy [2  
132 *O.C. 219.4-2*].  
133
- 134 D. Open Records and Open Meetings [1 O.C. Chapter 107]. The Board must comply with this law  
135 which details requirements for how meetings must be noticed and how meeting materials must be  
136 maintained. Board meetings will be noticed [*Proposed Bylaws 2-2(a) and (b)*] and [*Proposed*  
137 *Bylaws 3-1(a)(1)*] in compliance with this law [1 *O.C. 107.15*]. The Board bylaws delegates the  
138 maintenance of the records to the Secretary [*Proposed Bylaws 2-4*]. Portions of the Board meetings  
139 may be considered closed meeting sessions if exceptions in this law related to personnel matters or  
140 contracts are being discussed and deemed confidential. Public notice of meetings is also required  
141 by this law [1 *O.C. 107.15-1*]. Meeting packets and backup materials are available to all Board  
142 members at the meeting [*Proposed Bylaws 6-1(b)*] and in accordance with this law which states  
143 that any requestor has the right make or receive a copy of a public record [1 *O.C. 107.7-2*]. Audio  
144 recordings will be maintained in accordance with this law [*Proposed Bylaws 6-5(a)*] [1 *O.C. 107.7-*  
145 *3*].  
146
- 147 A. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. BCC's are considered entities  
148 [2 *O.C. 210.3-1(g)*] and individual members are considered officials [2 *O.C. 210.3-1(j)*] under this  
149 law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources  
150 Department or designee to ensure drivers, including BCC members, are certified to drive a vehicle  
151 of the Nation or a personal vehicle on Tribal business. The law requires BCC members (officials)  
152 to have written consent from the BCC they serve on prior to being approved to use a Tribal vehicle  
153 [2 *O.C. 210.6-1(b)(2)*]. Certification includes providing the Human Resources Department with  
154 the appropriate license, training certifications, and insurance information [2 *O.C. 210.8-1*].  
155 Additionally, BCC members must abide by all reporting requirements in this law [2 *O.C. 210.9-2*].  
156 a. BCC members who violate this law may be subject to:  
157 i. any laws regarding sanctions or penalties; and  
158 ii. termination of appointment following the Boards, Committees and Commissions  
159 law [1 *O.C. 105*].  
160



**ANNA JOHN RESIDENT CENTERED CARE COMMUNITY BOARD BYLAWS****Article I. Authority**

1-1. **Name.** The name of this entity shall be the Anna John Resident Centered Care Community Board and may be hereinafter referred to as the "Board."

1-2. **Establishment.** This Board was established by motion of the Oneida Business Committee on November 16, 1977 and is recognized by the adoption of these bylaws on November 16, 1977, as amended on April 11, 1979; December 15, 1980; May 15, 1984; February 9, 2011 and April 27, 2011.

1-3. **Authority.** The Board was established to serve in an advisory capacity for the Anna John Resident Centered Care Community ("AJRCCC") and is responsible for, including, but not limited to:

- (a) Enhancing services between the community, the residents of the AJRCCC, their families and the AJRCCC Administration;
- (b) Being involved, visiting and participating in activities with the residents of the AJRCCC;
- (c) Ensuring that the AJRCCC is equipped and staffed in a manner that provides the best services for residents of the AJRCCC;
- (d) Bringing the Board's and AJRCCC residents' concerns and/or complaints to the AJRCCC Administration, as well as the Comprehensive Health Division Director and/or the Business Committee liaison to the Board;
- (e) Ensuring that the AJRCCC operates within the guidelines and policies of the Oneida Nation and within all further regulations, rules and policies governing its operations;
- (f) Ensuring that the AJRCCC maintains a safe and sanitary environment while providing quality care and services to its residents as ordered by each resident's attending physician; and
- (g) Carrying out all other powers and/or duties delegated to the Board by the laws of the Nation.

1-4. **Office.** The official mailing address of the Board shall be:  
Anna John Resident Centered Care Community Board  
c/o Anna John Resident Centered Care Community  
2901 S. Overland Road  
Oneida, WI 54155

1-5. **Membership.**

- (a) **Number of Members.** The Board shall be comprised of seven (7) Board members.
- (b) **Appointed.** Board members shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law for four (4) year terms. Each member shall remain in office:
  - (1) If his or her term has expired, until a successor has been sworn in by the Oneida Business Committee;
  - (2) Until his or her resignation; or



- 48 (A) A member may resign at any time verbally at a meeting or  
 49 by delivering written notice to the Oneida Business  
 50 Committee Support Office and the Board Chairperson or the  
 51 Chairperson's designee. The resignation is effective upon  
 52 acceptance by motion of a member's verbal resignation or  
 53 upon delivery of the written notices.
- 54 (3) Until his or her appointment is terminated in accordance with the  
 55 Boards, Committees and Commissions law.
- 56 (c) **Filling of Vacancies.** Vacancies shall be filled in accordance with the  
 57 Boards, Committees and Commissions law.
- 58 (1) The Board's Chairperson shall provide the Oneida Business  
 59 Committee recommendations on all applications for appointment  
 60 before the executive session in which the appointment is intended to  
 61 be made.
- 62 (2) Vacancies of less than one (1) year shall be filled for the remainder  
 63 of the term and for a new four (4) year term. Vacancies greater than  
 64 one (1) year remaining of the term shall be filled for the remainder  
 65 of the term.
- 66 (d) **Qualifications.** Board members shall meet the following qualifications:
- 67 (1) Be an enrolled member of the Oneida Nation;  
 68 (2) Be at least eighteen (18) years of age;  
 69 (3) Reside within Brown or Outagamie County; and  
 70 (4) Not be employed by the AJRCCC.
- 71
- 72 1-6. **Termination.** A Board member's appointment may be terminated in accordance with the  
 73 Boards, Committees and Commissions law. The following infractions shall  
 74 be cause for a recommendation by the Board to the Oneida Business  
 75 Committee for termination of a member's appointment:
- 76 (a) Three (3) unexcused absences from regular monthly meetings per calendar  
 77 year.
- 78 (1) A Board member who is unexcused for two (2) monthly meetings  
 79 shall be forwarded a reminder of the meeting dates by the Board  
 80 Secretary.
- 81 (2) **Leave of Absence.** Board members will be allowed up to three (3)  
 82 months Leave of Absence for a medical circumstance within their  
 83 term of appointment. The Board member requesting a Leave of  
 84 Absence shall bring the request to an Officer of the Board.
- 85 (b) A violation of any of the expectations set forth in Article IV of these bylaws  
 86 may result in a recommendation to the Oneida Business Committee for  
 87 termination of appointment.
- 88
- 89 1-7. **Trainings and Conferences.** Board members shall be required to attend a minimum of two  
 90 (2) trainings or conferences per year. Stipends are only paid for a full day  
 91 of trainings/conferences per the Boards, Committees and Commissions law,  
 92 for no more than five (5) full days. Trainings/conferences should include,  
 93 but not be limited to:
- 94 (a) HIPAA;  
 95 (b) Medicare/Medicaid;



- (c) Nutrition;
- (d) Elderly Health Concerns; and
- (e) Personal Growth.

## Article II. Officers

2-1. **Officers.** The Board shall have three (3) Officers: Chairperson, Vice Chairperson and Secretary. The Officers of the Board shall perform other duties as may be required or requested by the Oneida Business Committee or General Tribal Council.

2-2. **Responsibilities of the Chairperson.** The responsibilities, duties and limitations of the Chairperson of the Board are as follows:

- (a) Shall call meetings, notify Board members and develop agendas in conjunction with the Board Secretary;
- (b) Shall preside at all meetings of the Board and maintain orderly discussions;
- (c) Shall receive, review and monitor all correspondence from the Board, present to the Board and sign all correspondence approved by the Board;
- (d) Shall vote only in case of a tie;
- (e) Shall submit approved and signed Board meeting minutes, in conjunction with the Board Secretary, to the Oneida Business Committee Support Office;
- (f) Shall, in conjunction with the Board Secretary, submit quarterly reports to the Oneida Business Committee, and submit annual and semi-annual reports to the General Tribal Council in accordance with the Boards, Committees and Commissions law, and shall attend or designate a Board member to attend the Oneida Business Committee meeting where the Board's quarterly report is on the agenda; and
- (g) Shall perform other duties assigned by the Board.

2-3. **Responsibilities of the Vice Chairperson.** The responsibilities, duties and limitations of the Vice Chairperson of the Board are as follows:

- (a) Shall perform the Chairperson's duties under Section 2-2 of these bylaws in the absence of the Chairperson;
- (b) Shall work with the Chairperson in all matters that concern the Board; and
- (c) Shall perform other duties as assigned by the Board.

2-4. **Responsibilities of the Secretary.** The responsibilities, duties and limitations of the Secretary of the Board are as follows:

- (a) Shall assist the Chairperson in calling meetings (regular and emergency) and notify the Board members;
- (b) Shall maintain the minutes, reports and correspondence of the Board;
- (c) Shall perform the Chairperson's duties under Section 2-2, except Subsection (b) and (d) in the absence of the Chairperson and Vice Chairperson;
- (d) Shall assist the Chairperson in submitting quarterly reports to the Oneida Business Committee and annual and semi-annual reports to the General Tribal Council;
- (e) Shall ensure the Board meeting minutes are recorded and reviewed by the Board;



- (f) Shall assist the Chairperson in submitting approved and signed Board meeting minutes to the Oneida Business Committee Support Office; and
- (g) Shall perform other duties as assigned by the Board.

2-5. ***Selection of Officers.*** Officers shall serve one (1) year terms and shall be elected by a majority vote of the Board membership.

- (a) Vacancies among Officers of the Board shall be filled for the duration of the unexpired term by a majority vote of the quorum during the next regular or emergency meeting of the Board.
- (b) Officers may hold only one (1) Officer position per term.

2-6. ***Budgetary Sign-Off Authority and Travel.*** The Board shall follow the Nation's policies regarding purchasing and sign-off authority.

- (a) Budgetary sign-off authority for the Board shall be as follows:
  - (1) An Officer of the board may sign-off on meeting stipends of seventy-five dollars (\$75) per member, per month.
  - (2) The Boards, Committees and Commissions Supervisor may sign-off on meeting stipends in lieu of a Board Officer per the Board's request.
  - (3) All other sign-off authority is with the AJRCCC administrator.
- (b) The Board shall remain under the AJRCCC budget.
- (c) Travel will be approved by majority vote of the voting members at a regular or emergency meeting of the Board.
  - (1) Travel will need to be approved by the AJRCCC administrator.

2-7. ***Personnel.*** The Board shall not have the authority to hire personnel for the benefit of the Board.

- (a) Special committees may be assigned by the Board from time to time as conditions necessitate.
  - (1) A majority vote of the quorum of Board members present at a duly called meeting shall be required to create a special committee.
  - (2) Members of the special committee shall be appointed by the Chairperson and shall be terminated upon completion of their assignment, which ordinarily shall result in a written report to the Board.
  - (3) Should a special committee be established which for whatever reason is no longer meeting a valid goal of the Board, it may be terminated by the majority vote of the Board at any time.
  - (4) Members of a special committee shall not be eligible for stipends unless a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

### **Article III. Meetings**

3-1. ***Regular Meetings.*** The Board shall meet monthly the second (2nd) Wednesday of every month at the AJRCCC. The meeting dates and location may change from time to time as determined by the Board but shall be within the Reservation boundaries unless notified to the Board membership prior to designating the meeting location.



- 192 (a) In the event a Board member is not able to attend a meeting, the Board  
 193 member shall contact an AJRCCC Officer no later than two (2) hours prior  
 194 to the start of the meeting in order to be excused from the meeting.  
 195 (1) If the Board member contacts the AJRCCC Officer after the  
 196 deadline, the Board shall consider the circumstances and make a  
 197 determination by a majority vote to approve or deny the Board  
 198 member as excused.  
 199 (b) Robert's Rules of Order shall be used as a guideline for conducting  
 200 meetings.  
 201 (c) The Board Secretary, or delegate, will provide notice of meeting agenda,  
 202 documents, and minutes by email to each Board member's official Oneida  
 203 Nation email address.  
 204
- 205 3-2. **Emergency Meetings.** An emergency meeting may convene outside of regular meetings to  
 206 address an urgent matter. These meetings may be called by the Chairperson  
 207 or Vice Chairperson and as soon as a quorum can be established. The  
 208 emergency causing the meeting shall be set forth in the minutes.  
 209 (a) Within seventy-two (72) hours after an emergency meeting, the Board shall  
 210 provide that Nation's Secretary with notice of the meeting, the reason for  
 211 the emergency meeting, and an explanation of why the matter could not wait  
 212 for a regular meeting.  
 213 (b) Notification of an emergency meeting to the Board members will be by  
 214 phone call.  
 215
- 216 3-3. **Joint Meetings.** Joint meetings with the Oneida Business Committee may be requested by  
 217 the Chairperson as needed or by request of the Oneida Business Committee  
 218 as agreed upon to take place at the Norbert Hill Center located in Oneida,  
 219 Wisconsin, or some alternate location agreed upon between the Board and  
 220 the Oneida Business Committee in advance of the joint meeting.  
 221 (a) The Board Chairperson shall provide notice of meeting agenda, documents  
 222 and minutes for joint meetings requested by the Board and the Oneida  
 223 Business Committee Support Office shall provide notice of meeting agenda,  
 224 documents and minutes for joint meetings requested by the Oneida Business  
 225 Committee.  
 226 (b) Notice of meeting agenda, documents and minutes shall be provided by  
 227 email.  
 228
- 229 3-4. **Quorum.** A quorum shall consist of a majority of the current members of the Board  
 230 and shall include either the Chairperson, Vice Chairperson or Secretary.  
 231
- 232 3-5. **Order of Business.** The regular meetings of the Board shall follow the order of business as  
 233 set out herein:  
 234 (a) Call to Order  
 235 (b) Roll Call  
 236 (c) Opening/Prayer (if requested)  
 237 (d) Approve/Amend Agenda  
 238 (e) Review/Approve/Amend Minutes  
 239 (f) Reports



- 240 (g) Tabled Business
- 241 (h) Old Business
- 242 (i) New Business
- 243 (j) Other Concerns/Announcements
- 244 (k) Next Meeting
- 245 (l) Adjournment
- 246

247 3-6. **Voting.** Voting shall be in accordance with the simple majority vote over fifty (50)  
248 percent of the quorum of Board members present at a duly called meeting.

- 249 (a) The Chairperson only votes in a tie.
- 250 (b) E-polls are not permitted.
- 251

252 3-7. **Cancellation of Meetings.** Any meeting may be cancelled due to unforeseen circumstances  
253 or due to the inclement weather conditions and shall be rescheduled when  
254 available.

- 255 (a) In the event a meeting is cancelled, the delegate Board Officer shall contact  
256 each Board member prior to the meeting.
- 257 (b) If a Board member is uncertain of a cancelled meeting, call the AJRCCC  
258 Board Chairperson or an Officer staff member by 12:00 p.m., noon, the day  
259 of the meeting.
- 260 (c) Should the Nation cancel work due to inclement weather, any scheduled  
261 meeting would also be cancelled.
- 262

#### 263 **Article IV. Expectations**

264 4-1. **Behavior of Members.** Members of the Board are expected to behave as follows:

- 265 (a) They shall regularly check email for communication from Board Officers.
  - 266 (1) If access is not available, members shall utilize the Oneida Nation
  - 267 Community Education Center.
  - 268 (2) Use of personal or work email addresses for Board business is
  - 269 prohibited.
- 270 (b) They shall treat other Board members, community members, AJRCCC staff
- 271 and residents with respect.
- 272 (c) When receiving concerns regarding AJRCCC, they shall have the
- 273 complainant put it in writing with as many details as possible for appropriate
- 274 follow-up.
- 275 (d) Enforcement of these behavioral expectations could result in a suspension
- 276 from a future Board meeting, or a recommendation by the Board to the
- 277 Oneida Business Committee for the member's termination in accordance
- 278 with the Boards, Committees and Commissions law.
- 279

280 4-2. **Prohibition of Violence.** Members of the Board are prohibited from committing intentional  
281 acts that inflict, attempt to inflict, or threaten to inflict, emotional or bodily  
282 harm on another person, or damage to property. Violations could result in a  
283 recommendation for termination from the Board to the Oneida Business  
284 Committee in accordance with the Boards, Committees and Commissions  
285 law.

286



4-3. ***Drug and Alcohol Use.*** Members of the Board are prohibited from using or being under the influence of prohibited drugs or alcohol while acting in their official capacity as AJRCCC Board members. Violations could result in a recommendation for termination from the Board to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

4-4. ***Social Media.*** Members of the Board are prohibited from posting on social media confidential information shared in AJRCCC meetings and executive sessions. Complaints shall be addressed with the AJRCCC administration. Any publication of information must be approved by the Board.

4-5. ***Conflict of Interest.*** Members of the Board must keep their Conflict of Interest form updated with the Oneida Business Committee Support Office.

(a) Board members shall abide by all laws of the Nation governing conflicts of interest.

(b) In the event of a conflict of interest regarding a complaint or concern in a Board meeting, the conflicted member shall excuse himself or herself from contributing to the conversation and refrain from voting.

## **Article V. Stipends & Compensation**

5-1. ***Stipends.*** Board members are eligible for the following stipends as set forth in the Boards, Committees and Commissions law and resolution BC-09-26-18-D, titled Boards, Committees and Commissions Law Stipends:

(a) One (1) monthly meeting stipend of seventy-five dollars (\$75).

(b) Stipends for Judiciary hearings.

(1) A member of the Board may receive a stipend for attending an Oneida Judiciary hearing if that member is specifically subpoenaed.

(c) A stipend for attendance at each full day of trainings/conferences that is required by law, bylaw or resolution.

(d) A stipend for attendance at a duly called joint meeting as defined under the Boards, Committees and Commissions law.

5-2. ***Compensation.*** Besides per diem and travel expenses, Board members shall be entitled to no other compensation.

## **Article VI. Records & Reporting**

6-1. ***Agenda Items.*** Agenda items shall be given in the format provided by the Oneida Business Committee Support Office.

(a) Items and backup documents to be on the agenda shall be provided to the Board members a minimum of twenty-four (24) hours prior to the meeting, or items will be tabled to the next meeting.

(b) Packets of the proposed agenda and the backup documentation shall be made available at the meeting. Executive session items shall be stamped confidential.



- 333 6-2. **Minutes.** Minutes shall be typed in the Oneida Business Committee Support Office's  
334 approved format designed to generate the most informative record of the  
335 Board's meetings.
- 336 (a) All minutes shall be submitted to the Oneida Business Committee Support  
337 Office within thirty (30) calendar days after approval by the Board.
- 338 (b) Actions taken by the Board are valid when minutes are approved, provided  
339 that, minutes are filed according to this Article.
- 340 (c) Copies of the minutes shall be available in accordance with the Open  
341 Records and Open Meetings law.  
342
- 343 6-3. **Attachments.** Handouts, reports, memoranda, and the like shall be attached to the minutes  
344 and agenda from the meeting in which they were presented. Records of  
345 attachments will be saved in the AJRCCC folder on the Oneida Nation  
346 network.  
347
- 348 6-4. **Oneida Business Committee Liaison.** The Board shall regularly communicate with the  
349 Oneida Business Committee liaison. The frequency and method shall be  
350 agreed upon by the Board and the liaison.
- 351 (a) The Chairperson shall report to the Oneida Business Committee liaison.  
352
- 353 6-5. **Audio Recordings.** The Board shall audio record all meetings, except executive session  
354 portions of the meetings.
- 355 (a) All recordings will be kept in the AJRCCC folder on the Oneida Nation  
356 network.
- 357 (b) The Board will use the Board laptop provided by AJRCCC administration  
358 to record the meetings.  
359

## 360 Article VII. Amendments

- 361 7-1. **Amendments to Bylaws.** The Board, upon written notice, at a duly called regular meeting,  
362 may, by a majority vote, adopt, amend or repeal any provisions of these  
363 bylaws.
- 364 (a) Amendments to these bylaws must conform to the requirements of the  
365 Boards, Committees and Commissions law, as well as any other policy of  
366 the Nation.
- 367 (b) Amendments are effective upon adoption by the Board and approval by the  
368 Oneida Business Committee.  
369
- 370 7-2. **Updating and Review.** The Board shall conduct review of these bylaws as needed.  
371  
372

373 These bylaws as amended and revised, were adopted by the Anna John Resident Centered Care  
374 Community Board at a duly called meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2019, with  
375 amendments approved by the Chairperson of the Anna John Resident Centered Care Community  
376 Board at the XXX 30, 2019 Legislative Operating Committee meeting.  
377

378  
379 \_\_\_\_\_  
380 Candace J. House, Chairperson  
381 Anna John Resident Centered Care Community Board



382    Approved by the Oneida Business Committee at a duly called meeting held on  
383  
384  
385    \_\_\_\_\_



**ANNA JOHN RESIDENT CENTERED CARE COMMUNITY BOARD BYLAWS****Article I. Authority**

1-1. **Name.** The name of this entity shall be the Anna John Resident Centered Care Community Board and may be hereinafter referred to as the "Board."

1-2. **Establishment.** This Board was established by motion of the Oneida Business Committee on November 16, 1977 and is recognized by the adoption of these bylaws on November 16, 1977, as amended on April 11, 1979; December 15, 1980; May 15, 1984; February 9, 2011 and April 27, 2011.

1-3. **Authority.** The Board was established to serve in an advisory capacity for the Anna John Resident Centered Care Community ("AJRCCC") and is responsible for, including, but not limited to:

- (a) Enhancing services between the community, the residents of the AJRCCC, their families and the AJRCCC Administration;
- (b) Being involved, visiting and participating in activities with the residents of the AJRCCC;
- (c) Ensuring that the AJRCCC is equipped and staffed in a manner that provides the best services for residents of the AJRCCC;
- (d) Bringing the Board's and AJRCCC residents' concerns and/or complaints to the AJRCCC Administration, as well as the Comprehensive Health Division Director and/or the Oneida Business Committee liaison to the Board;
- (e) Ensuring that the AJRCCC operates within the guidelines and policies of the Oneida Nation and within all further regulations, rules and policies governing its operations;
- (f) Ensuring that the AJRCCC maintains a safe and sanitary environment while providing quality care and services to its residents as ordered by each resident's attending physician; and
- (g) Carrying out all other powers and/or duties delegated to the Board by the laws of the Nation.

1-4. **Office.** The official mailing address of the Board shall be:  
Anna John Resident Centered Care Community Board  
c/o Anna John Resident Centered Care Community  
2901 S. Overland Road  
Oneida, WI 54155

1-5. **Membership.**

- (a) **Number of Members.** The Board shall be comprised of seven (7) Board members.
- (b) **Appointed.** Board members shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law for four (4) year terms. Each member shall remain in office:
  - (1) If his or her term has expired, until a successor has been sworn in by the Oneida Business Committee;
  - (2) Until his or her resignation; or



- (A) A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Board Chairperson or the Chairperson's designee. The resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
- (3) Until his or her appointment is terminated in accordance with the Boards, Committees and Commissions law.
- (c) **Filling of Vacancies.** Vacancies shall be filled in accordance with the Boards, Committees and Commissions law.
- (1) The Board's Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment ~~before~~by the executive session in which the appointment is intended to ~~be~~ made.
- (2) Vacancies of less than one (1) year shall be filled for the remainder of the term and for a new four (4) year term. Vacancies with greater ~~than~~ one (1) year remaining of the term shall be filled for the remainder ~~of the term~~.
- (d) **Qualifications.** Board members shall meet the following qualifications:
- (1) Be an enrolled member of the Oneida Nation;
  - (2) Be at least eighteen (18) years of age;
  - (3) Reside within Brown or Outagamie County; and
  - (4) Not be employed by the AJRCCC.
- 1-6. **Termination.** A Board member's appointment may be terminated in accordance with the Boards, Committees and Commissions law. The following infractions shall be cause for a recommendation by the Board to the Oneida Business Committee for termination of a member's appointment:
- (a) Three (3) unexcused absences from regular monthly meetings per calendar year as determined in section 3-1 of these bylaws.
- (1) A Board member who is unexcused for two (2) monthly meetings shall be forwarded a reminder of the meeting dates by the Board Secretary.
  - (2) **Leave of Absence.** Board members will be allowed up to three (3) months Leave of Absence for a medical circumstance within their term of appointment. The Board member requesting a Leave of Absence shall bring the request to an Officer of the Board.
- (b) A violation of any of the expectations set forth in Article IV of these bylaws may result in a recommendation to the Oneida Business Committee for termination of appointment.
- (c) Recommendations to the Oneida Business Committee for termination of a Board member's appointment must be determined by a majority vote of the members in attendance at a Board meeting of an established quorum.
- 1-7. **Trainings and Conferences.** Board members shall be required to attend a minimum of two (2) trainings or conferences per year. Stipends are only paid for attending a ~~full day~~ of ~~trainings~~training/conferences per in accordance with these bylaws; the ~~Boards, Committees~~



and Commissions law, ~~for no more than five (5) full days.~~  
~~Trainings/conferences should include,~~ but not: and resolution  
BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D  
Boards, Committees and Commissions Law Stipends, as may  
be limited further amended from time-to-time hereafter.

(a) Trainings/conferences shall include, but shall not be limited to:

(1) HIPAA;

~~(b)~~ (2) Medicare/Medicaid;

~~(c)~~ (3) Nutrition;

~~(d)~~ (4) Elderly Health Concerns; and

~~(e)~~ (5) Personal Growth.

(b) Regardless of the number of trainings/conferences that he or she is required  
to attend, no member of the Board shall be eligible to receive stipends for  
attending more than five (5) full days per year of the trainings/conferences  
set forth herein.

## Article II. Officers

2-1. **Officers.** The Board shall have three (3) Officers: Chairperson, Vice Chairperson and Secretary. The Officers of the Board shall perform other duties as may be required or requested by the Oneida Business Committee or General Tribal Council.

2-2. **Responsibilities of the Chairperson.** The responsibilities, duties and limitations of the Chairperson of the Board are as follows:

(a) Shall call meetings, notify Board members, as well as the public, and develop agendas in ~~—~~conjunction with the Board Secretary and consistent with these bylaws, the Boards, Committees and Commissions law and the Nation's Open Records and Open Meetings law;

(b) Shall preside at all meetings of the Board and maintain orderly discussions;

(c) Shall receive, review and monitor all correspondence from the Board, present to the Board and sign all correspondence approved by the Board;

(d) Shall vote only in case of a tie;

(e) Shall submit approved and signed Board meeting minutes, in conjunction with the Board Secretary, to the Oneida Business Committee Support Office;

(f) Shall, in conjunction with the Board Secretary, submit quarterly reports to the Oneida Business Committee, and submit annual and semi-annual reports to the Oneida General Tribal Council in accordance with the Boards, Committees ~~—~~and Commissions law, and shall attend or designate a Board member to ~~—~~attend the Oneida Business Committee meeting where the Board's quarterly ~~—~~report is on the agenda; and

(g) Shall perform other duties assigned by the Board.

2-3. **Responsibilities of the Vice-Chairperson.** The responsibilities, duties and limitations of the Vice-Chairperson of the Board are as follows:

(a) Shall perform the Chairperson's duties under ~~Section~~section 2-2 of these bylaws ~~—~~in ~~the~~ absence of the Chairperson;

(b) Shall work with the Chairperson in all matters that concern the Board; and



(c) Shall perform other duties as assigned by the Board.

2-4. ***Responsibilities of the Secretary.*** The responsibilities, duties and limitations of the Secretary of the Board are as follows:

(a) Shall assist the Chairperson in calling meetings (regular and emergency) ~~and notify the Board members~~, providing notice and developing the agenda in accordance with section 2-2 of these bylaws;

~~(b) Shall maintain the minutes, reports and correspondence of the Board and provide notice of meeting agendas, documents, and minutes to all Board members, as well as the public, in accordance with these bylaws and the Nation's Open Records and Open Meetings law;~~

(c) Shall perform the Chairperson's duties under ~~Section~~section 2-2, ~~except Subsection (b) and (d) in~~ of these bylaws, in the absence of the Chairperson and Vice-Chairperson;

(1) The Secretary's authority to call and/or preside over meetings of the Board shall be limited to the following:

(A) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, the Secretary shall be allowed to call meetings of the Board to fill the vacancies and to preside over those meetings for the sole purpose of conducting an election under section 2-5 of these bylaws, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

(d) Shall assist the Chairperson in submitting quarterly reports to the Oneida Business Committee and annual and semi-annual reports to the Oneida General ~~Tribal~~ Council;

(e) Shall ensure the Board meeting minutes are recorded and reviewed by the Board;

(f) Shall assist the Chairperson in submitting approved and signed Board meeting minutes to the Oneida Business Committee Support Office; and

(g) Shall perform other duties as assigned by the Board.

2-5. ***Selection of Officers.*** Officers shall serve one (1) year terms and shall be elected by a majority vote of the ~~Board membership~~members in attendance at a Board meeting of an established quorum.

(a) Vacancies among Officers of the Board shall be filled for the duration of the unexpired term by a majority vote of the ~~quorum~~members in attendance during ~~the next regular~~ or emergency Board meeting of the Board an established quorum.

(b) Officers may hold only one (1) Officer position per Officer term.

(c) 2-6 Members of the Board may be dismissed from their Officer position by majority vote of the members in attendance at a Board meeting of an established quorum.

2-6. ***Subcommittees.*** Subcommittees may be created and dissolved by the Board from time-to-time as conditions necessitate so long as in accordance with the Boards, Committees and Commissions law.



- (a) A majority vote of the Board members present at a meeting of an established quorum shall be required to create a subcommittee.
- (b) Members of the subcommittee shall be appointed by the Chairperson and shall be terminated upon completion of their assignment, which ordinarily shall result in a written report to the Board.
- (c) Should a subcommittee, established for whatever reason, be no longer meeting a valid goal of the Board, it may be terminated at any time by majority vote of the members present at a Board meeting of an established quorum.
- (d) Members of a subcommittee shall not be eligible for stipends unless a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

**2-7. Budgetary Sign-Off Authority and Travel.** The Board shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) ~~Budgetary~~ Levels of budgetary sign-off authority for the Board shall be as follows:
- (1) ~~An Officer of set forth in the board may sign-off on meeting stipends of seventy five dollars (\$75) per member, per month manual titled, Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures, for Area Directors/Enterprise Directors.~~
- (1) All Board Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, unless otherwise stated herein.
- (2) The Boards, Committees and Commissions Supervisor may sign-off on meeting stipends in lieu of ~~a the~~ Board ~~Officer per~~ Officers upon the Board's request.
- (3) ~~All other sign-off authority is with the AJRCCC administrator.~~
- (b) The Board shall remain under the AJRCCC budget.
- (c) Travel ~~will~~ shall be approved by a majority vote of the ~~voting~~ members in attendance at a regular or emergency Board meeting of ~~the Board~~ an established quorum.
- (1) Travel will further need to be approved by the AJRCCC administrator.

**2-7.8. Personnel.** The Board shall not have the authority to hire personnel for the benefit of the Board.

- (a) ~~Special committees may be assigned by the Board from time to time as conditions necessitate.~~
- (a) ~~A majority vote of the quorum of Board members present at a duly called meeting shall be required to create a special committee.~~
- (b) ~~Members of the special committee shall be appointed by the Chairperson and shall be terminated upon completion of their assignment, which ordinarily shall result in a written report to the Board.~~



- (c) ~~Should a special committee be established which for whatever reason is no longer meeting a valid goal of the Board, it may be terminated by the majority vote of the Board at any time.~~
- (d) ~~Members of a special committee shall not be eligible for stipends unless a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.~~

### Article III. Meetings

3-1. **Regular Meetings.** The Board shall meet monthly on the second (2nd) Wednesday of every month, commencing at 5:00 p.m., at the AJRCCC— located in Oneida, Wisconsin.

(a) The meeting ~~dates~~date, time and/or location may change from \_\_\_\_\_ time-to-time as \_\_\_\_\_ determined by the Board upon proper notice to all members in writing and, along with the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(1) The meeting location shall ~~be~~remain within the Reservation boundaries unless ~~notified~~notice is given to ~~the~~all Board ~~membership prior to~~members in writing and, along with the public, per governing law, including, but not limited to, the Nation's Open Records and Open Meetings law, prior to designating the \_\_\_\_\_ meeting location.

(ab) In the event a Board member is not able to attend a meeting, the Board member shall ~~contact~~notify an ~~AJRCCC~~Officer in writing no later than ~~two~~(2) hours ~~thirty (30) minutes~~ prior ~~to~~ the start of the meeting in order to be excused from the meeting.

(1) If the Board member contacts ~~the AJRCCC~~an Officer after the \_\_\_\_\_ deadline, the \_\_\_\_\_ Board shall consider the circumstances and make a \_\_\_\_\_ determination by a majority vote of the members in attendance at a Board meeting of an established quorum to approve or deny the Board ~~member~~ as \_\_\_\_\_ excused.

(bc) Robert's Rules of Order shall be used as a guideline for conducting meetings.

(ed) The Board Secretary, or ~~delegate, will~~designee shall provide notice of the meeting agenda, documents, and minutes by to all Board members via email, sent to each Board member's the official \_\_\_\_\_ Oneida \_\_\_\_\_ Nation email address that they were provided to conduct business electronically on behalf of the Board ("Official Email"), and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.

3-2. **Emergency Meetings.** An emergency meeting may convene outside of regular meetings to address an urgent matter. These meetings may be called by the Chairperson or Vice-Chairperson and as soon as a quorum can be established. The emergency causing the meeting shall be set forth in the minutes.



(a) Within seventy-two (72) hours after an emergency meeting, the Board shall provide ~~that 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.

(b) Notification of an emergency meeting ~~to the Board members will be by~~ ~~phone call shall be provided to all Board members via their Official~~ Email, as well as telephone call, and, along with the public, in accordance with the Open Records and Open Meetings law.

3-3. **Joint Meetings.** Joint meetings with the Oneida Business Committee may be ~~requested by~~ ~~the Chairperson held~~ as ~~needed or by request of the Oneida Business~~ Committee ~~as agreed~~ upon ~~between the entities~~ to take place at the Norbert Hill Center located in ~~Oneida,~~ ~~Oneida,~~ Wisconsin, or some alternate location agreed upon between the Board and the Oneida Business Committee in advance of the joint meeting.

~~(a) The Board Chairperson shall provide notice of meeting agenda, documents and minutes for joint meetings requested by the Board and the Oneida Business Committee Support Office shall provide notice of meeting agenda, documents and minutes for joint meetings requested by the Oneida Business Committee.~~

~~(b) Notice of meeting agenda, documents and minutes shall be provided by email.~~

(a) Notice of the joint meeting agendas, documents and minutes shall be provided, and the joint meetings conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with the Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

3-4. **Quorum.** A quorum shall consist of a majority of the current members of the Board and shall include either the Chairperson, Vice-Chairperson or Secretary, ~~but~~ only if the Secretary is presiding over the meeting in accordance with section 2-4(c) of these bylaws.

3-5. **Order of Business.** The regular meetings of the Board shall follow the order of business as set out herein:

- (a) Call to Order
- (b) Roll Call
- (c) Opening/Prayer (if requested)
- (d) Approve/Amend Agenda
- (e) Review/Approve/Amend Minutes
- (f) Reports
- (g) Tabled Business
- (h) Old Business
- (i) New Business
- (j) Other Concerns/Announcements
- (k) Next Meeting



## (1) Adjournment

3-6. **Voting.** Voting shall be in accordance with the simple majority vote of over fifty (50) ~~percent of the quorum of~~ Board members present at a ~~duly called~~ meeting of an established quorum.

(a) The Chairperson, or Officer presiding in his or her place, only votes in a tie.

(b) E-polls are not permitted.

3-7. **Cancellation of Meetings.** Any meeting may be cancelled due to unforeseen circumstances or due to the inclement weather conditions and shall be rescheduled when available.

(a) In the event a meeting is cancelled, the delegate Board Officer shall contact each Board member prior to the meeting.

(b) If a Board member is uncertain of a cancelled meeting, call the AJRCCC Board Chairperson or an Officer ~~staff~~ member by 12:00 p.m., noon, the day ~~of~~ the meeting.

(c) Should the Nation cancel work due to inclement weather, any scheduled meeting would also be cancelled.

**Article IV. Expectations**

4-1. **Behavior of Members.** Members of the Board are expected to behave as follows:

(a) They shall regularly check ~~email~~ their Official Email for communication from ~~Board Officers.~~

(1) If access is not available, members shall utilize the Oneida Nation Community Education Center.

(2) Use of personal or work email addresses for Board business is prohibited.

(b) They shall treat other Board members, community members, AJRCCC staff and residents with respect.

(c) When receiving concerns regarding AJRCCC, they shall have the complainant put it in writing with as many details as possible for appropriate follow-up.

(d) Enforcement. If a member violates this section, any other section of these behavioral expectations could result in a ~~bylaws or any governing laws of the Nation, he or she may be subject to a~~ suspension ~~from a future Board meeting or a disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials; and/or recommendation by the Board to the Oneida Business~~ Committee for the member's termination in ~~accordance~~ with the Boards, Committees and ~~Commissions law.~~

(1) Recommendations for termination shall be decided by a majority vote of the members in attendance at a Board meeting of an established quorum.

4-2. **Prohibition of Violence.** Members of the Board are prohibited from committing intentional acts that inflict, attempt to inflict, or threaten to inflict, emotional or bodily harm on another person, or damage to property. ~~Violations could result in a recommendation for termination from the Board to the Oneida Business~~



~~Committee in accordance with the Boards, Committees and Commissions law.~~

4-3. ***Drug and Alcohol Use.*** Members of the Board are prohibited from using or being under the influence of prohibited drugs or alcohol while acting in their official capacity as AJRCCC Board members. ~~Violations could result in a recommendation for termination from the Board to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.~~

4-4. ***Social Media.*** Members of the Board shall adhere to the Oneida Nation's Social Media Policy, their oath of office, and as follows with respect to social media:

(a) Board members are prohibited from posting on social media confidential \_\_\_\_\_ information shared in AJRCCC meetings and executive \_\_\_\_\_ sessions.

(1) Complaints shall be addressed with the AJRCCC administration.

(b) Any publication of information must be approved by the Board.

4-5. ***Conflict of Interest.*** Members of the Board must keep their Conflict of Interest form updated with the Oneida Business Committee Support Office.

(a) Board members shall abide by all laws of the Nation governing conflicts of interest.

(b) In the event of a conflict of interest regarding a complaint or concern in a Board meeting, the conflicted member shall excuse himself or herself from contributing to the conversation and refrain from voting.

## Article V. Stipends & Compensation

5-1. ***Stipends.*** Board members are eligible for the following stipends as set forth in and subject to these bylaws, the \_\_\_\_\_ Boards, Committees and Commissions law, and \_\_\_\_\_ resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D, \_\_\_\_\_ titled \_\_\_\_\_ Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

(a) One (1) monthly meeting stipend ~~of seventy-five dollars (\$75).~~

(b) Stipends for Judiciary hearings.

(1) A member of the Board may receive a stipend for attending an Oneida Judiciary hearing if that member is specifically subpoenaed.

(c) A stipend for attendance at each full day of trainings/conferences that is required by law, ~~bylaw~~ bylaws or resolution.

(d) A stipend for attendance at a duly called joint meeting as defined under the Boards, Committees and Commissions law.

5-2. ***Compensation.*** Besides the travel, per diem and ~~travel expenses~~ business expense reimbursement authorized by the Boards, Committees and Commissions law, Board \_\_\_\_\_ members shall be entitled to \_\_\_\_\_ no other compensation for the duties/activities they perform on behalf of the Board.



**Article VI. Records & Reporting**

6-1. **Agenda Items.** Agenda items shall be given in the format provided by the Oneida Business Committee Support Office.

(a) Items and backup documents to be on the agenda shall be provided to the Board members a minimum of twenty-four (24) hours prior to the meeting, or items will be tabled to the next meeting.

(b) Packets of the proposed agenda and the backup documentation shall be made available at the meeting. Executive session items shall be stamped confidential.

6-2. **Minutes.** Minutes shall be typed in the Oneida Business Committee Support Office's approved format designed to generate the most informative record of the Board's meetings.

(a) All minutes shall be submitted to the Oneida Business Committee Support Office within thirty (30) calendar days after approval by the Board.

(b) Actions taken by the Board are valid when minutes are approved, provided that, minutes are filed according to this Article.

(c) Copies of the minutes shall be available in accordance with the Open Records and Open Meetings law.

6-3. **Attachments.** Handouts, reports, memoranda, and the like shall be attached to the minutes and agenda from the meeting in which they were presented. Records of attachments will be saved in the AJRCCC folder on the Oneida Nation network.

6-4. **Oneida Business Committee Liaison.** The Board shall regularly communicate with the Oneida Business Committee liaison. The frequency and method shall be as agreed upon by the Board and the liaison, but no less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

(a) The Chairperson shall report to the Oneida Business Committee liaison.

6-5. **Audio Recordings.** The Board shall audio record all meetings, except executive session portions of the meetings.

(a) All recordings will be kept in the AJRCCC folder on the Oneida Nation network and maintained in accordance with the Nation's Open Records and Open Meetings law.

(b) The Board will use the Board laptop provided by AJRCCC administration to record the meetings.

**Article VII. Amendments**

7-1. **Amendments to Bylaws.** The Board, upon written notice, at a duly called regular meeting, may, by a majority vote of the members present at a Board meeting of an established quorum, adopt, amend or repeal any provisions of these bylaws.

(a) Amendments to these bylaws must conform to the requirements of the Boards, Committees and Commissions law, as well as any other policy of the Nation.



- (b) Amendments are effective upon adoption by the Board and approval by the Oneida Business Committee.

7-2. ***Updating and Review.*** The Board shall conduct review of these bylaws as needed, but no less than on an annual basis.

These bylaws as amended and revised, were adopted by the Anna John Resident Centered Care Community Board at a duly called meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2019, with amendments approved by the Chairperson of the Anna John Resident Centered Care Community Board at the XXX 30, 2019 Legislative Operating Committee meeting.

\_\_\_\_\_  
Candace J. House, Chairperson  
Anna John Resident Centered Care Community Board

Approved by the Oneida Business Committee at a duly called meeting held on



Oneida Business Committee Agenda Request

Approve the Oneida Community Library Board bylaws amendments

1. Meeting Date Requested: 9 / 25 / 19

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header: Standing Committees

- ☐ Accept as Information only
- ☒ Action - please describe:

Consider the Oneida Community Library Board Bylaws Amendments for adoption.

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☒ Other:

- 1. Bylaws Amendments Adoption Packet
- 2.
- 3.
- 4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David P. Jordan, LOC Chairman

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.



**ONEIDA COMMUNITY LIBRARY BOARD BYLAWS****Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Community Library Board and may hereinafter be referred to as the Board.

1-2. *Establishment.* The Board was established by the Oneida Business Committee (“OBC”) in accordance with Wis. Stat., § 43.52 through its adoption of resolution BC-7-28-80 and its subsequent entry into an “Agreement for System Participation” with the Nicolet Federated Library System by motion of the OBC at its regular meeting on July 20, 1981.

1-3. *Authority.*

(a) *Purpose.* The purpose of the Board is to administer and oversee the administration of the Oneida Community Library in accordance with the laws of the Nation, Chapter 43 of the Wisconsin Statutes, and any policies adopted pursuant thereto.

(1) *Policy Statement of the Oneida Community Library Board:* Supporting and endorsing the American Library Association's Library Bill of Rights and freedom to read statement, the Board accepts that its purpose is to assist the Oneida General Tribal Council and library staff:

(A) To provide quality library and information services to the people of the Oneida community as well as Brown and Outagamie county residents through the continuation of existing tribal, county and inter-library system agreements.

(B) To encourage and promote the development of library services to meet the informational, educational, cultural and recreational needs of the Oneida Community Library clients.

(C) To develop policies which will protect the unique resources held by the Oneida Community Library; specifically, those pertaining to the Oneida/Haudenosaunee and other Native American Nations.

(D) To promote the use of meeting areas within the Oneida Community Library for socially useful and cultural activities.

(b) *Powers and Duties.* The Board shall be responsible for:

(1) The monitoring of, and advising on, the programs, services and acquisitions of print/non-print materials provided to Oneida Community Library clientele.

(2) The carrying out of all powers and duties set forth in Wis. Stat., § 43.58, as well as any other law, rule, policy or contractual provision created thereunder.

(3) The carrying out of any other authority delegated through the laws, policies, rules and resolutions of the Nation.



- 47 1-4. *Office.* The official office location and mailing address of the Board shall be:  
48 (a) *Office Location:*  
49 Oneida Community Library  
50 201 Elm Street  
51 Oneida, WI 54155  
52 (b) *Mailing Address:*  
53 Oneida Community Library Board  
54 P.O. Box 365  
55 Oneida, WI 54115  
56
- 57 1-5. *Membership.*  
58 (a) *Number of Members.* The Board shall consist of five (5) members, one of  
59 whom shall be a school district administrator or administrator's  
60 representative.  
61 (1) Each Board member shall hold office until his or her term expires,  
62 until his or her resignation, or until his or her appointment is  
63 terminated in accordance with the Boards, Committees and  
64 Commissions law.  
65 (A) *Term Expiration.* Although a member's term has expired, he  
66 or she shall remain in office until a successor has been sworn  
67 in by the Oneida Business Committee.  
68 (B) *Resignation.* A member may resign at any time verbally at a  
69 meeting or by delivering written notice to the Oneida  
70 Business Committee Support Office and the Board  
71 Chairperson or Chairperson's designee. The resignation is  
72 deemed effective upon acceptance by motion of a member's  
73 verbal resignation or upon delivery of the written notices.  
74 (b) *Appointed.* Board members shall be appointed by the Oneida Business  
75 Committee in accordance with the Boards, Committees and Commissions  
76 law for terms of three (3) years.  
77 (c) *Vacancies.* Any vacancy for an expired/unexpired term shall be filled by  
78 appointment by the Oneida Business Committee.  
79 (1) The Board Chairperson shall review application materials and  
80 provide the Oneida Business Committee with recommendations on  
81 applicants for appointment by the executive session in which  
82 appointments are intended to be made.  
83 (d) *Qualification for Membership.* Board members shall meet the following  
84 qualifications:  
85 (1) Must be an enrolled member of the Oneida Nation;  
86 (2) Must be a resident of either Brown or Outagamie County;  
87 (3) Must be at least eighteen (18) years of age; and  
88 (4) Must not be a contractor or employee of any Oneida Nation Library  
89 branch.  
90
- 91 1-6. *Termination.* A Board member's appointment may be terminated by the Oneida Business  
92 Committee in accordance with the Boards, Committees and Commissions



law or any other law of the Nation governing the termination of appointed officials.

(a) The Board may make recommendations to the Oneida Business Committee for the termination of a member's appointment based on the following:

(1) A failure to attend three (3) unexcused consecutive meetings;

(2) A failure to attend five (5) unexcused meetings within a one (1) year period; and/or

(A) An absence shall be deemed unexcused if a member fails to provide written notice of his or her absence to a Board Officer at least thirty (30) minutes prior to the missed meeting.

(3) Other conduct detrimental to the Board or any Oneida Library branch.

(b) Recommendations to the Oneida Business Committee for termination of a Board member's appointment must be determined by a majority vote of the Board members present at a meeting of an established quorum.

1-7. *Trainings and Conferences.* Board members shall participate in mandatory trainings/conferences as follows:

(a) Wisconsin Library Association Annual Conference;

(b) Association of Tribal Archives;

(c) Libraries & Museums Annual Conference;

(d) American Indian Library Association Training; and/or

(e) American Library Association Conferences.

(f) On an annual basis or as needed not to exceed five (5) full days per member.

(g) Regardless of the number of trainings/conferences that he or she is required to attend, no Board member shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## Article II. Officers

2-1. *Officers.* The Board shall have three (3) Officer positions consisting of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the Chairperson of the Board shall be as follows:

(a) Call and preside over meetings.

(b) Receive, review and monitor all correspondence of the Board, present to the Board and sign all correspondence as approved by the Board.

(c) Submit Board meeting minutes, in conjunction with the Board Secretary, to the Oneida Business Committee Support Office and maintain all recordings of Board meetings in accordance with the state's, as well as the Nation's, laws governing open records.

(d) In conjunction with the Board Secretary, submit reports, as requested by the Oneida Business Committee; submit quarterly reports to the Oneida Business Committee and annual/semi-annual reports to the Oneida General



Tribal Council, as required by the Boards, Committees and Commissions law, as well as Wis. Stat., § 43.58; and attend, or designate a member of the Board to attend, the Oneida Business Committee meeting where the Board's quarterly report appears on the agenda.

2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the Vice-Chairperson of the Board shall be as follows:

- (a) Perform the Chairperson's duties in the absence of the Chairperson.

2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the Secretary of the Board shall be as follows:

- (a) Maintain all minutes, reports and correspondence of the Board in accordance with governing law, including, but not limited to, the Boards, Committees and Commissions law and the state's, as well as the Nation's, laws governing open records.
- (b) Sign-off all expenditure approval statements referenced in section 2-6 of these bylaws and assist the Board Chairperson with the submission of reports referenced in section 2-2 of these bylaws.
- (c) In the event that both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms, call Board meetings to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

2-5. *Selection of Officers.* An election of Officers shall take place annually at the beginning of the fiscal year and/or when a member is appointed for terms of one (1) year.

- (a) A Board member may be dismissed from his or her Officer position by a majority vote of the Board members in attendance at a meeting of an established quorum.
- (b) Board Officers may only hold one (1) Officer position per Officer term.

2-6. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Oneida Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) *Levels of Budgetary Sign-Off Authority.* The Board shall audit and approve all expenditures of the public library and forward the bills or vouchers covering the expenditures, setting forth the name of each claimant or payee, the amount of each expenditure, and the purpose for which it was expended, to the person designated under the Nation's policies and procedures to issue payment for such expenditures.

- (1) The Board shall include a statement, signed by the Board Secretary, that the expenditure has been incurred and that the Board has audited and approved the expenditure.

- (A) Upon receiving the information referenced within this section 2-6, the person designated by the Nation's policies and procedures to issue payment for the expenditures shall then pay the bill as others are paid.



(b) *Regular Wages/Recurring Payments.* Regular wages/salary or other recurring payments, authorized by the Board and verified by the appropriate Oneida Community Library personnel, may be paid by the person designated under the Nation's policies and procedures to issue such payments by the date due or, in the case of salaries, by the regular pay day.

(1) The Board shall audit and approve payments under this subsection (b) at its next regular meeting.

(c) The Board shall approve a member's request to travel by majority vote of its members in attendance at a regular or emergency Board meeting of an established quorum.

2-7. *Personnel.* Subject to approval by the Oneida Business Committee under the governing laws of the Nation, the Board shall have the authority set forth in Wis. Stat., § 43.58 to hire personnel for the benefit of the Board.

### Article III. Meetings

3-1. *Regular Meetings.* The Board shall meet the 2nd Wednesday of each month, commencing at 4:30 p.m., at the Oneida Community Library located on 201 Elm Street in Oneida, Wisconsin.

(a) The regular meeting date, time and/or location may change from time-to-time as determined by majority vote of the members in attendance at a Board meeting of an established quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws, prior to the implementation of a new date, time and/or location.

(b) Notice of meeting location, agenda, minutes and materials shall be forwarded by the Chairperson with the assistance of the Vice-Chairperson and/or the Secretary to all members of the Board in writing and, along with the public, in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.

(c) Meetings shall be run in accordance with Robert's Rules of Order.

3-2. *Emergency Meetings.* An emergency meeting may be called when time sensitive issues require immediate action.

(a) The Chairperson or Chairperson's designee shall provide advance notice of emergency meetings to all Board members via telephone call, as well as email communication sent to the official Oneida Nation email address provided to each member to conduct business electronically on behalf of the Board, and, along with the public, shall further be provided notice in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.

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



- 231 3-3. *Joint Meetings.* Joint Meetings between the Board and the Oneida Business Committee  
232 shall not be held.  
233
- 234 3-4. *Quorum.* A quorum shall consist of a majority of the current Board members and shall  
235 include an Officer; provided, the Secretary shall only qualify as an Officer  
236 for purposes of this section 3-4 when presiding over meetings called  
237 pursuant to section 2-4(c) of these bylaws.  
238
- 239 3-5. *Order of Business.* The order of business, as far as applicable, is:  
240 (a) Call to Order  
241 (b) Adopt the Agenda  
242 (c) Approval of Minutes  
243 (d) Old Business  
244 (e) New Business  
245 (f) Reports  
246 (g) Other Business  
247 (h) Executive Session  
248 (i) Adjournment  
249
- 250 3-6. *Voting.* A simple majority vote of the members in attendance at a meeting of an  
251 established quorum is a required for all actions of the Board.  
252 (a) The Board Chairperson or presiding Officer shall only vote in case of a tie.  
253 (b) E-polls are permissible so long as conducted in accordance with the Boards,  
254 Committees and Commissions law.  
255 (1) The Vice-Chairperson shall serve as the Chairperson's designee for  
256 the responsibility of conducting an e-poll when the Chairperson is  
257 absent or unavailable.  
258

#### 259 **Article IV. Expectations**

- 260 4-1. *Behavior of Members.* Board members shall adhere to the Oneida Community Library  
261 Board Code of Conduct, these bylaws and any other applicable state laws  
262 and/or laws of the Nation while acting on behalf of the Board.  
263 (a) *Enforcement.* Any violation of this or any other section of these bylaws may  
264 result in the following:  
265 (1) Upon a majority vote of the members present at a Board meeting of  
266 an established quorum, the Board may make a recommendation to  
267 the Oneida Business Committee for the termination of that Board  
268 member's appointment in accordance with the Boards, Committees  
269 and Commissions law or any other law of the Nation governing the  
270 termination of appointed officials.  
271 (2) The Board may discipline that Board member in accordance with  
272 any state laws or laws of the Nation governing sanctions and  
273 penalties for appointed officials.  
274



4-2. *Prohibition of Violence.* Board members are prohibited from committing any violent intentional act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property.

4-3. *Drug and Alcohol Use.* When acting in their official capacity as members of the Board, the use of alcohol or prohibited drugs is forbidden.

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

4-4. *Social Media.* When using social media on behalf of or as a representative of the Board, members shall comply with any laws or policies of the Nation governing social media; their oaths of office; and any other applicable laws, rules, policies and/or contractual provisions promulgated and applied to the Board pursuant to participation as a member of the Nicolet Federated Library System under Wis. Stat., § 43.54.

4-5. *Conflict of Interest.* Conflicts of interest of Board members shall be governed by all applicable laws and policies of the Nation, as well as any laws, rules, policies and/or contractual provisions promulgated and applied to the Board pursuant to its participation as a member of the Nicolet Federated Library System under Wis. Stat., § 43.54.

- (a) Conflicts of interest shall be reported and mitigated/removed in accordance with the applicable laws and policies of the Nation, as well as any laws, rules, policies and/or contractual provisions promulgated and applied to the Board pursuant to its participation as a member of the Nicolet Federated Library System under Wis. Stat., § 43.54.

## **Article V. Stipends and Compensation**

5-1. *Stipends.* Board members are eligible to receive a stipend for the following so long as in accordance with these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may further be amended from time-to-time hereafter:

- (a) One (1) meeting stipend per month, whether called as a regular meeting or emergency meeting, provided that:
  - (1) A quorum was established;
  - (2) The meeting of the established quorum lasted for at least one (1) hour; and
  - (3) The Board member requesting the stipend was physically present for the entire meeting.
- (b) A stipend for each day of attendance at a conference or training, provided that:



- (1) The Board member attended a full day of training or was present at the conference for a full day; and
- (2) The Board member's attendance at the training or conference was mandated by law, bylaws or resolution.
- (c) A stipend for attending a Judiciary hearing if the member's attendance was required by official subpoena.

5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law and Wis. Stat., § 43.54, members of the Board shall not be eligible to receive any other form of compensation for duties/activities they perform on behalf of the Board.

## **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be consistently maintained in a format that complies with the State of Wisconsin's Open Meetings Law.

6-2. *Minutes.* Meeting minutes shall be typed and in a consistent format designed by the Oneida Business Committee Support Office and in compliance with the State of Wisconsin's Open Meetings Law to generate the most informative record.

- (a) Minutes shall include a summary of action taken by the Board.
- (b) Minutes shall be submitted to the Oneida Business Committee Support Office within seven (7) days of approval.

6-3. *Attachments.* Any handouts, reports, memorandum and the like provided at a meeting shall be included with the agenda items and other meeting material in which they were presented and maintained in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.

6-4. *Oneida Business Committee Liaison.* The Board shall meet with the member of the Oneida Business Committee who is its designated liaison as needed, the frequency and format of which may be as agreed upon between the liaison and the Board so long as no less than as required by law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

- (a) The Board shall contact the liaison quarterly.

6-5. *Audio Recordings.* All meetings of the Board shall be recorded using a device supplied or approved by the Oneida Business Committee Support Office.

- (a) Audio recordings shall be maintained by the Chairperson or the Chairperson's designee in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.
- (b) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.



**Article VII. Amendments**

7-1. *Amendments.* Amendments to these bylaws shall be approved by a majority vote of the members in attendance at a regular Board meeting of an established quorum.

(a) Amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law, any applicable state law, and all other governing policies of the Nation.

(b) Amendments shall be approved by the Oneida Business Committee before implementation.

(c) The Board shall conduct a review of these bylaws on an annual basis.





# Oneida Community Library Board Bylaws Amendments Legislative Analysis

## SECTION 1. EXECUTIVE SUMMARY

| REQUESTER:<br>Legislative<br>Reference Office                 | SPONSOR:<br>David P. Jordan  | DRAFTER:<br>Kristen M. Hooker | ANALYST:<br>Maureen Perkins |
|---|--|-------------------------------|-----------------------------|
| Complies with<br>Boards,<br>Committees and<br>Commissions Law | These amendments comply with the Oneida Business Committee (OBC) directive established by resolution BC-09-26-18-C that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and Tribal corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited <i>[1 O.C. 105.10]</i> .   |                               |                             |
| Intent of the<br>Bylaws                                       | The Oneida Community Library Board (Library Board) bylaws provide a framework for the operation and management of the Library Board to govern the standard procedures regarding the way the Library Board conducts its affairs, including: the appointment of persons to the Library Board, the membership qualifications, duties and responsibilities of both members and officers, terms and filling vacancies of members, selection of officers, establishment of expectations of members, maintenance of official records, stipends, termination process, required training, and how the bylaws are amended. |                               |                             |
| Purpose   | The purpose of the Library Board is to administer and oversee the administration of the Oneida Community Library in accordance with the Laws of the Nation, Chapter 43 of the Wisconsin Statutes, and any other relevant adopted policies <i>[Proposed Bylaws 1-3(a)]</i> .  |                               |                             |
| Related Legislation   | Oneida Nation Constitution, Boards, Committees and Commissions law, Travel and Expense Policy, Conflict of Interest law, Social Media Policy, Computer Resources Ordinance, Open Records and Open Meetings law   |                               |                             |
| Enforcement/Due<br>Process                                    | A member of the Library Board serves at the discretion of the OBC. Upon the recommendation of a member of the OBC or majority vote of the Library Board, a member of the Library Board may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC shall be required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal <i>[1 O.C. 105-7-4]</i> .   |                               |                             |
| Public Meeting  | Public meetings are not required for bylaws.   |                               |                             |
| Fiscal Impact   | A fiscal impact statement is not required for bylaws.  |                               |                             |

## SECTION 2. BACKGROUND

- 1
- 2 A. The Library Board bylaws amendments were added to the active files list on October 3, 2018, with
- 3 David P. Jordan as the sponsor.
- 4 B. The Library Board was established by the OBC under the laws of the Nation through the adoption of
- 5 resolution BC-07-28-80. The OBC entered into an "Agreement for System Participation" with the
- 6 Nicolet Federated Library System by motion at an OBC meeting on July 20, 1981. This agreement
- 7 includes a requirement for the Nation to follow Wisconsin State statute 43.52 related to the participation



in the Nicolet Federated Library System. This analysis does not include an analysis of any laws outside of the Nation's laws.

C. The Library Board bylaws were most recently approved by the OBC on September 13, 2013.

### SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

A. The bylaws comply with the Boards, Committees and Commissions law.

B. The bylaws comply with OBC Resolution BC-05-08-19-B titled "Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends" which details the types, specific dollar amounts and eligibility requirements of stipends.

### SECTION 4. AMENDMENTS

This section details the changes to the bylaws from the previously adopted bylaws.

#### A. ARTICLE I. AUTHORITY

- a. The purpose of the Library Board was amended to include the role of administering and overseeing the administration of the Oneida Community Library in accordance with Wisconsin State Statute Chapter 43 *[Proposed Bylaws 1-3(a)]*.
- b. The membership changed with the addition of a requirement that one member of the Library Board must be a school district administrator or administrator's representative *[Proposed Bylaws 1-5(a)]*.
- c. The full three-year term for members filling a vacancy was removed *[Current Bylaws 1-4(c)]*. Vacancies will be filled in accordance with the Boards, Committees and Commissions law *[Proposed Bylaws 1-5(c)] [1 O.C. 105.6 and 105.7]*.
  - The Boards, Committees and Commissions law does not dictate the term length for vacancies; however, the Business Committee Support Office (BCSO) has been filling vacancies for:
    - a. The remainder of the unexpired term for vacancies resulting from resignation or termination of appointment; or
    - b. The full term for vacancies occurring at the end of a term.
  - At the end of a term, a member of the Library Board must remain in office until the member's successor has been sworn into office *[Proposed Bylaws 1-5(a)(1)(A)]* which is optional under the Boards, Committees and Commissions law *[1 O.C. 105.6-2(a)(1)]*.
- d. The resignation process has changed in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.6-2(d)]*. Resignations are now accepted:
  - Verbally and accepted by motion at a meeting; or
  - By delivering a written resignation to the Business Committee Support Office (BCSO) and the Library Board Chairperson or Chairperson's designee *[Proposed Bylaws 1-5(a)(1)(B)]*.
- e. A provision was added requiring the Chairperson of the Library Board to provide the OBC with recommendations on all applicants for appointment *[Proposed Bylaws 1-5(c)(1)]* which is optional under the Boards, Committees and Commissions law *[1 O.C. 105. 7-1(b)(1)]*.
- f. Additional qualifications for membership were added *[Proposed Bylaws 1-5(d)]*:
  - Must be a resident of Brown or Outagamie County;
  - Must be at least eighteen (18) years of age; and
  - Must not be a contractor or employee of any Oneida Community Library Branch.
- g. A definition was added for unexcused absence which requires written notice to a Library Board Officer at least thirty (30) minutes before the meeting *[Proposed Bylaws 1-*



6(a)(2)(A)]. A process was added requiring that any recommendations for termination of appointment must be determined by a majority vote at a Library Board meeting with an established quorum [Proposed Bylaws 1-6(b)].

- h. A section detailing required trainings and conferences was added to the bylaws to comply with the Boards, Committees and Commissions law [1 O.C. 105.10-3(7)]. The bylaws contain a detailed list of required training and conferences that can be taken annually or as needed with the qualification that training not exceed five (5) full days per member per year [Proposed Bylaws 1-7].

## B. ARTICLE II. OFFICERS

- a. Additional duties of the Chairperson include [Proposed Bylaws 2-2]:

- Presenting or designating a Library Board member to present quarterly reports to the OBC in accordance with the Boards, Committees and Commissions law [1 O.C. 105.12-3];

- b. Additional duties of the Secretary include [Proposed Bylaws 2-4]:

- Sign off on all expenditure approval statements and assist the Chairperson with the submission of reports.
- A provision was added that if both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms; the Secretary shall call and preside over a meeting until a new Chairperson and Vice-Chairperson is elected at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside [Proposed Bylaws 2-4(c)]. In this instance the Secretary's presence can be used to constitute quorum [Proposed Bylaws 3-4].

- c. Language was added that a Library Board member may be dismissed from their Officer position by a majority vote of the Library Board members in attendance at a meeting of an established quorum [Proposed Bylaws 2-5(a)].

- d. Language was added restricting Library Board members from holding more than one officer position at the same time [Proposed Bylaws 2-5(b)].

- e. The budgetary and sign-off authority and travel section is new to these bylaws based on requirements in the Boards, Committees and Commissions law.

- The Library Board will follow the Nation's policies and procedures for purchasing and sign-off authority [Proposed Bylaws 2-6] even though these processes do not pertain to the Library Board.

- The Library Board will be required to audit and approve all expenditures of the Oneida Library per Wisconsin State statutes.

- a. The Library Board Secretary will verify that expenditures have been audited and approved by the Library Board and forward to the appropriate designated department based on the Oneida Tribe of Indians of Wisconsin Purchasing Manual for payment in accordance with Wisconsin State requirements [Proposed Bylaws 2-6(a)].

- The Library Board will approve and audit the regular salary and other recurring payments as verified by the Oneida Community Library personnel at regular board meetings.

- a. The Secretary of the Library Board will be required to sign off on all expenditure approved statements and include a signed statement that the expenditure was incurred and that the Library Board has audited the expenditure [Proposed Bylaws 2-6(b)].

- All travel must be authorized by the Secretary of the Library Board [Proposed Bylaws 2-6(a)(1)] in accordance with the Travel and Expense Policy [2 O.C.



219.4-2]. All travel must be approved through majority vote of a quorum of the Library Board in attendance at a regular or emergency Library Board meeting [*Proposed Bylaws 2-6(c)*] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. Library Board members may travel in the Nation's vehicles when certified and must follow the Vehicle Driver Certification and Fleet Management law [2 O.C. 210].

### C. ARTICLE III. MEETINGS

- a. A provision was added requiring notice of emergency meetings by official email and telephone call [*Proposed Bylaws 3-2(a)*]. Official e-mail addresses are required for conducting business of the entity electronically in accordance with the Boards, Committees and Commissions law [1 O.C. 105.14-3].
- b. A provision was added that the Library Board will notify the Nation's Secretary within seventy-two (72) hours 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 [*Proposed Bylaws 3-2(b)*] per the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(2)(A)].
- c. A provision encouraging interested parties to attend regular meetings was removed [*Current Bylaws 3-1(a)*].
- d. The voting has changed; the Chairperson can now only vote in the case of a tie [*Proposed Bylaws 3-6(a)*].
- e. E-polls were added as an acceptable form of voting and will be conducted by the Chairperson or the Vice-Chairperson when the Chairperson is absent or unavailable in accordance with the Boards, Committees and Commissions law [*Proposed Bylaws 3-6(b)*] and [1 O.C. 105.10-3(c)(6)(C) and (D)] and [1 O.C. 105.11].

### D. ARTICLE IV. EXPECTATIONS

This section is new to these bylaws based on the requirements established in the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)].

- a. Behavioral requirements were added to govern Library Board members while acting on behalf of the Library Board. The Library Board included a Code of Conduct [*Proposed Bylaws 4-1*] which will be required to be filed with the BCSO per requirements contained in the Boards, Committees and Commissions law [1 O.C. 105.12-2]. Enforcement of behavioral expectations includes [*Proposed Bylaws 4-1(a)*]:
  - Recommendations to the OBC for termination of the member's appointment must be made by a majority vote at a meeting with an established quorum; and
  - Discipline a Library Board member in accordance with any state laws or laws of the Nation governing sanctions or penalties governing appointed officials.
- b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional or bodily harm or damage to property are prohibited [*Proposed Bylaws 4-2*].
- c. Drug and alcohol use by a Library Board member when acting in an official capacity as members of the Library Board is forbidden [*Proposed Bylaws 4-3*]. The list of prohibited drugs is the same as the list that is included in the Boards, Committees and Commissions law [1 O.C. 105.3-1(n)].
- d. Library Board members must follow the Nation's Social Media Policy and their oath of office. Additionally, the proposed bylaws include a provision that establishes that the Library Board shall comply with any established requirements by their participation as a member of the Nicolet Federated Library System under Wisconsin Statute 43.54 [*Proposed Bylaws 4-4*].
- e. The Library Board will be required to abide by the Nation's Conflict of Interest law and the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(5) and 105.15] which



includes disclosure and mitigation/removal of conflicts of interest annually. Additionally, Library Board members must abide by any requirements related to conflicts of interest imposed by their membership in the Nicolet Federated Library System under Wisconsin Statute 43.54 *[Proposed Bylaws 4-5]*.

#### E. ARTICLE V. STIPENDS AND COMPENSATION

- a. This section details that members of the Library Board are eligible to receive stipends for regular meetings, emergency meetings and conferences and trainings *[Proposed Bylaws 5-1]*. This section complies with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(e)]* and Resolution BC-05-08-19-B.
- b. A provision was added that a stipend is available for each day of attendance at a conference or training mandated by law, bylaws or resolution if the member attended or was present for a full day *[Proposed Bylaws 5-1(b)]*.
- c. A provision was added that Library Board members are not eligible to receive any other form of compensation besides travel, per diem and business-related expenses for activities related to the Library Board *[Proposed Bylaws 5-2]* in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.13-9]*.

#### F. ARTICLE VI. RECORDS AND REPORTING

- a. The following provisions were removed from the current bylaws:
  - financial expense reporting *[Current Bylaws 4-5]*;
  - travel reporting *[Current Bylaws 4-6]*;
  - a provision governing subcommittees *[Current Bylaws 4-7]*.
- b. A provision was added that the agenda items will be consistently maintained in a format that complies with the State of Wisconsin Open Meetings law *[Proposed Bylaws 6-1]*.
- c. A provision was added that the minutes will be typed in a format provided by the BCSO in compliance with the State of Wisconsin's Open Meetings law *[Proposed Bylaws 6-2]*. Meeting minutes will be submitted to the BCSO within seven (7) days of Library Board approval *[Proposed Bylaws 6-2]*. Meeting materials will be made available to the public in accordance with the Open Records and Open Meetings law which states that any requestor has the right make or receive a copy of a public record *[1 O.C. 107.7-2]*.
- d. A provision related to attachments was changed; the attachments will be included with agenda items and other meeting materials from the meeting they were presented and maintained by the Secretary *[Proposed Bylaws 2-4(a)]* in accordance with the Open Records and Open Meetings law *[Proposed Bylaws 6-3]* *[1 O.C. 107.6-2]*.
- e. A provision was added that the Library Board will meet with the OBC liaison as often as agreed upon between the Library Board and the liaison. The Library Board will contact the liaison quarterly *[Proposed Bylaws 6-4]*. This complies with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(f)(4)]*.
- f. The Library Board will audio record meetings with a device supplied or approved by the BCSO and the Chairperson or Chairperson's designee will maintain the audio recordings in accordance with the State of Wisconsin and the Nation's laws governing open records; executive session is exempt from audio recording requirements *[Proposed Bylaws 6-5]* in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(f)]* and the Open Records and Open Meetings law *[1 O.C. 107.7-3]*.

#### G. ARTICLE VI. AMENDMENTS

- a. A provision was added requiring that amendments follow the Boards, Committees and Commissions law and any other policy of the Nation and that the bylaws be reviewed annually *[Proposed Bylaws 7-1]*.



- The current bylaws require review at least once every three years [*Current Bylaws 5-2*].

## SECTION 5. RELATED LEGISLATION

There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws that establish duties and requirements of the Library Board in addition to laws referenced in the bylaws.

- A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida Nation Constitution, Article IV, Section 1(g)*]. There are no conflicts between these proposed bylaws and the Oneida Nation Constitution.
- B. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related to elected and appointed Boards, Committees and Commissions of the Nation. The law governs 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. The Library Board is appointed by the OBC [*Proposed Bylaws 1-5(b)*]. The requirements for entity bylaws are contained in this law as well as a requirement that all existing entities of the Nation comply with the format detailed in the law and present the bylaws for adoption by the OBC within a reasonable timeframe [*1 O.C. 105.10-3*]. These proposed bylaws comply with and there are no conflicts with the Boards, Committees and Commissions law.
- C. Travel and Expense Policy [2 O.C. 219]. Members of the Library Board are eligible to be reimbursed for travel and per diem to attend a conference or training in accordance with this policy. All travel must be authorized by the Secretary of the Library Board [*Proposed Bylaws 2-6(a)(1)*] in accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. The Library Board will approve all board travel by majority vote [*Proposed Bylaws 2-6(c)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*]. The proposed bylaws comply with and there are no conflicts with the Travel and Expense Policy.
- D. Conflict of Interest [2 O.C. 217]. This law applies to the Library Board and establishes specific limitations to which information or materials that are confidential or may be used by a competitor of the Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards, Committees and Commissions law establishes that amended bylaws require members to disclose potential or real conflicts annually [*1 O.C. 105.10-3(d)(5) and 105.15*]. The Library Board bylaws require the Library Board to follow all Conflict of Interest laws of the Nation as well as the State of Wisconsin in relation to the membership in the Nicolet Federated Library System [*Proposed Bylaws 4-5*]. Library Board members are also required to mitigate/remove any conflicts in accordance with the laws of the Nation and the laws of the State of Wisconsin [*Proposed Bylaws 4-5(a)*]. This aligns with the Conflict of Interest law of the Nation which allows for entities to outline further conflicts and prohibited activities resulting from those conflicts of interest [*2 O.C. 217.7-2*]. Penalties for failure to disclose conflicts of interest include termination of appointment in accordance with the Boards, Committees and Commissions law and enforcement of any penalties in accordance with the laws of the Nation [*2 O.C. 217.6-2 and 6-3*]. There are no conflicts between the proposed bylaws and the Conflict of Interest law.
- E. Social Media Policy [2 O.C. 218]. This law applies to the Library Board and regulates the Nation's social media accounts including how content is managed and who has authority to post on social media on behalf of the Nation. Boards, committees and commissions of the Nation must register social media accounts with the Nation's Secretary's Office to include specific information related to access to the account, acknowledgment and compliance with the Computer Resources Ordinance and this policy,



use a Nation issued email address, and ensure all content complies with all applicable laws of the Nation, state or federal laws. The bylaws identify that the Library Board must comply with the Social Media Policy in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(4)]. Additionally, the proposed bylaws require compliance with their oath of office and also includes a provision that establishes that the Library Board shall comply with any requirements established by their participation as a member of the Nicolet Federated Library System under Wisconsin Statute 43.54 [Proposed Bylaws 4-4]. The proposed bylaws comply with and there are no conflicts between the proposed bylaws and the Social Media Policy.

F. Computer Resources Ordinance [2 O.C. 215]. Library Board members are considered users under this law and must comply with the established requirements to ensure appropriate use of the Nation's computer resources. Members of the Library Board must sign an acknowledgment form indicating notice of the Nation's applicable computer and media related laws according to the Boards, Committees and Commissions law [1 O.C. 105.14-3(b)]. The proposed bylaws comply and there are no conflicts with the Computer Resources Ordinance.

G. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained and made available to the public and that meetings are open to the public unless specific criteria are met which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of meetings is also required by this law [1 O.C. 107.15-1]. The Library Board bylaws delegate public notice of meetings to the Officers [Proposed Bylaws 3-1(b)] and maintenance of the minutes, reports and correspondence to the Secretary [Proposed Bylaws 2-4(a)]. Chairperson or Chairperson's designee will maintain the audio recordings [Proposed Bylaws 6-5]. Library Board meetings are open to the public except portions that meet the exceptions in this law related to personnel matters or contracts are being discussed and deemed confidential [1 O.C. 107.4]. Meeting minutes will be submitted to the BCSO within seven (7) days of approval [Proposed Bylaws 6-2(b)] and made available to the public in accordance with this law which states that any requestor has the right make or receive a copy of a public record [1 O.C. 107.7-2]. The proposed bylaws comply and there are no conflicts between the proposed bylaws and the Open Records and Open Meetings law.

H. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. BCC's are considered entities [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources Department or designee to ensure drivers, including BCC members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires BCC members (officials) to have written consent from the BCC they serve on prior to being approved to use a Tribal vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources Department with the appropriate license, training certifications, and insurance information [2 O.C. 210.8-1]. Additionally, BCC members must abide by all reporting requirements in this law [2 O.C. 210.9-2].

a. BCC members who violate this law may be subject to:

- i. any laws regarding sanctions or penalties; and
- ii. termination of appointment following the Boards, Committees and Commissions law [1 O.C. 105].



## ONEIDA COMMUNITY LIBRARY BOARD BYLAWS

### Article I. Authority

- 1-1. *Name.* The name of this body shall be "Oneida Community Library Board" hereinafter referred to as "Board."
- 1-2. *Authority.* The Board is delegated authority by the Oneida Business Committee pursuant to the authority delegated by the Constitution of the Oneida Tribe of Indians of Wisconsin, under Article IV., Section 1, Subsection (g) and is further recognized by the adoption of these bylaws by the Oneida Business Committee on April 3, 1996 as amended on November 13, 2013.
- 1-3. *Office.* The official office of the Board shall be:  
Oneida Community Library  
P.O. Box 365  
201 Elm Street  
Oneida, WI 54155  
C/O Oneida Community Library Board
- 1-4. *Membership.*
  - a. *Number of Board Members.* The Board shall consist of five (5) members.
  - b. *How Appointed.* Board members shall be appointed by the Oneida Business Committee in accordance with Tribal law governing boards, committees and commissions.
  - c. *Vacancies.* In case of vacancy, due to death, termination of appointment or resignation, the vacancy shall be filled by the Oneida Business Committee for a full three (3) year term in accordance with Tribal law governing boards, committees and commissions.
  - d. *Qualifications.* Any Tribal member whose name appears on the official roll of the Oneida Tribe of Indians of Wisconsin and is eligible to vote in accordance with the Tribal Constitution can serve on the Board. A Board member shall not be a consultant, contractor or staff of the Oneida Community Library
  - e. *Terms.* Members of the Board shall serve three (3) year terms.
  - f. *Termination of Appointment and Resignation.* Failure to attend three (3) consecutive meetings without an excused absence or five (5) meetings total within a term may be cause for termination of appointment. Any member desiring to resign from the Board shall submit their written resignation to the Board.
  - g. *Orientation.* Orientation for a new Board member shall be conducted at the first meeting the new Board member attends after being sworn in as a member of the Board.
- 1-5. *Purpose and Policy.*
  - a. It is the purpose of the Board to monitor and advise programs and service and acquisitions of print and non-print materials provided to library clientele.
  - b. It is the policy of the Board to be self-supervised according to these bylaws. The Oneida Tribe shall remove itself from the activities of the Board.
  - c. Policy Statement of the Oneida Community Library Board: Supporting and endorsing the American Library Association's Library Bill of Rights and freedom to



read statement, the Board accepts that its purpose is to assist the Oneida General Tribal Council and library staff:

1. To provide quality library and information services to the people of the Oneida community as well as Brown and Outagamie county residents through the continuation of existing tribal, county and interlibrary system agreements.
2. To encourage and promote the development of library services to meet the informational, educational, cultural and recreational needs of the Oneida Community Library clients.
3. To develop policies which will protect the unique resources held by the Oneida Community Library, specifically those pertaining to the Oneida/Hotinonshonni and other Native American Nations.
4. To promote the use of meeting areas within the Oneida Community Library for socially useful and cultural activities.

## **Article II. Officers**

- 2-1. *Officers.* The Board shall have three (3) officers: a chairperson, a vice chairperson and a secretary, who shall serve three (3) year terms.
- 2-2. *Chairperson.* The Chairperson of the Board shall:
  - a. Call and preside over meetings.
  - b. Receive, review and monitor all correspondence of the Board, present to the Board and sign all correspondence as approved by the Board.
  - c. Submit approved and signed Board meeting minutes, in conjunction with the Board Secretary, to the Oneida Tribal Secretary.
  - d. Submit quarterly reports to the Oneida Business Committee, annual and semi-annual reports to the General Tribal Council and any other reports as required or requested by the Oneida Business Committee or General Tribal Council, in conjunction with the Secretary of the Board.
  - e. Other duties as assigned by the Board.
- 2-3. *Vice Chairperson.* The Vice Chairperson shall perform the Chairperson's duties in the absence of the Chairperson.
- 2-4. *Secretary.* The Secretary shall maintain all minutes, reports and correspondence of the Board and preside over Board meetings in the absence of the Chairperson and the Vice Chairperson.
- 2-5. *How Chosen.* Election of officers shall take place at the first regular meeting after appointment.
- 2-6. *Personnel.* The Board does not have the authority to hire personnel for the benefit of the Board.

## **Article III. Meetings.**

- 3-1. *Regular Meetings.* The Board shall meet the second Wednesday of each month. The meeting dates and location may change from time to time as determined by the Board but shall be within the Reservation boundaries unless the Board membership is notified prior to designating the meeting location. The Secretary shall provide notice of the agenda, documents, and minutes to the members prior to the start of the meetings.
  - a. All other interested parties shall be encouraged to attend.
  - b. The Board follows Roberts Rules of Order.



- c. Executive session shall be called as deemed necessary by the Board.
- 3-2. *Emergency Meetings.* The Chairperson or a majority of the Board may call an emergency meeting at any time provided twenty-four (24) hour notice is given by the Board Secretary.
- 3-3. *Quorum.* Three (3) members of the Board, including at least one (1) officer, shall constitute a quorum. If a quorum is not present within fifteen (15) minutes of the start time, the meeting shall be declared dismissed.
- 3-4. *Order of Business.* The order of business so far as applicable shall be:
  - a. Call to order
  - b. Roll Call
  - c. Agenda Approval
  - d. Minutes
  - e. New Business
  - f. Old Business
  - g. Executive Session
  - h. Adjournment
- 3-5. *Voting.* Each member, including the Chairperson, shall have one (1) vote. Any decision of the Board shall be by consensus voting.
- 3-6. *Stipends.* Board members shall be paid a meeting stipend in accordance with Tribal law governing boards, committees and commissions, provided that the meeting has established a quorum for a minimum of one (1) hour and the Board member collecting the stipend was present for at least one (1) hour of the established quorum.

#### Article IV. Reporting

- 4-1. *Reporting.* Agenda items shall be in a consistent format.
- 4-2. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board.
- 4-3. Handouts, memoranda, reports, etc. 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.
- 4-4. The Board shall report to the Oneida Business Committee member who is designated as their liaison. This reporting format may be as the liaison directs, but may not be less than that required in any policy on report developed by the Oneida Business Committee or General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee directs, provided that the request is to uphold the ability of the liaison to act as a support to the Board.
- 4-5. *Accountability.* The Board shall maintain accountability by requiring detailed written and itemized financial reports of all individuals who are assigned activities related to the Oneida Community Library. These reports shall include the following: Telephone, Mileage, Per Diem, Lodging and all other related expenses that were incurred or will be incurred by all parties who are requesting advance payment or reimbursement for any and all Oneida Community Library activity.
- 4-6. *Travel Reports.* Written travel reports shall be submitted to the Board by all parties who have traveled in regards to Oneida Community Library matters no later than ten (10) days from the date of travel.



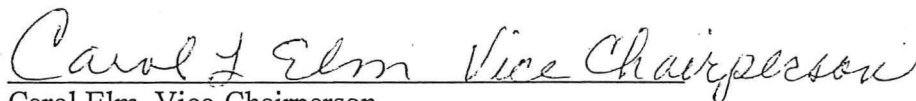
- 4-7. *Sub-Committees.* Sub-committees of the Board may be appointed by the Chairperson to carry out a special mission when deemed necessary based on the recommendation of the Library Director and/or the Board. The sub-committee shall serve until the duties with which the sub-committee has been charged are completed and a report is given to the Library Director. The Library Director shall be an ex-officio member of all sub-committees of the Board.

#### Article V. Amendments

- 5-1. The Board, upon written notice, may at any of its regular meetings, by a consensus vote of the members present, adopt, amend, or repeal the bylaws provided that the proposed bylaws or repeal of the bylaws has been submitted in writing at a previous regular meeting. All such approved bylaws are subject to subsequent approval by the Oneida Business Committee.
- 5-2. At least once every three (3) years, the Board shall review these bylaws in order to determine that they are current.
- 5-3. Bylaws shall be filed in the Tribal Secretary's Office prior to their implementation.

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These bylaws as amended and revised were adopted by the Oneida Community Library Board at a duly called meeting held on the 11 day of June, 2013. 2014

  
Carol Elm, Vice-Chairperson  
Oneida Community Library Board

Approved by the Oneida Business Committee at a duly called meeting held on the 13th day of November, 2013.

  
Patricia Hoeft, Oneida Tribal Secretary  
Oneida Business Committee



# ONEIDA COMMUNITY LIBRARY BOARD \_BYLAWS

## ~~Article I. -Authority-~~

~~1-1. 1-1. Name.~~ The name of this ~~body~~entity shall be ~~"the~~ Oneida Community Library Board<sup>2</sup> ~~and~~ may hereinafter ~~be~~ referred to as ~~"the~~ Board<sup>2</sup>.

### ~~Authority:~~

~~1-2. 1-2. Establishment.~~ The Board ~~is delegated authority~~was established by the Oneida Business Committee ~~pursuant to the authority delegated by the Constitution of the Oneida Tribe of Indians of Wisconsin, under Article IV., Section 1, Subsection (g) and is further recognized by the adoption of these bylaws by the Oneida Business Committee on April 3, 1996 as amended on November 13, 2013.~~

~~1-3. Office.~~ The official office of the Board shall be:

Oneida Community Library  
P.O. Box 365  
201 Elm Street  
Oneida, WI 54155  
C/O Oneida Community Library Board

### ~~1-4. Membership.~~

~~a. Number of Board Members.~~ The Board shall consist of five (5) members.

~~b. How Appointed.~~ Board members shall be appointed by the Oneida Business Committee ("OBC") in accordance with Tribal law governing boards, committees and commissions.

~~c. Vacancies.~~ In case of vacancy, due to death, termination of appointment or resignation, the vacancy shall be filled by the Oneida Business Committee Wis. Stat., § 43.52 through its adoption of resolution BC- 7-28-

80 and its subsequent entry into an "Agreement for a full three (3) year term in accordanceSystem Participation" with Tribal law governing boards, committees and commissions.

~~d. Qualifications.~~ Any Tribal member whose name appears on the official roll of the Oneida Tribe of Indians of Wisconsin and is eligible to vote in accordance with the Tribal Constitution can serve on the Board. A Board member shall not be a consultant, contractor or staff of the Oneida Community Library

~~e. Terms.~~ Members of the Board shall serve three (3) year terms.

~~f. Termination of Appointment and Resignation.~~ Failure to attend three (3) consecutive meetings without an excused absence or five (5) meetings total within a term may be cause for termination of appointment. Any member desiring to resign from the Board shall submit their written resignation to the Board.

~~g. Orientation.~~ Orientation for a new Board member shall be conducted the Nicolet Federated Library System by motion of the OBC at the first its regular meeting the new Board member attends after being sworn in as a member of the Board. on July 20, 1981.

### ~~1-3. Authority.~~

~~1-5. (a) Purpose and Policy.~~



46 a. ~~It is the~~ The purpose of the Board ~~is to monitor and advise programs and service and~~  
 47 ~~acquisitions~~ administer and oversee the  
 48 ~~administration~~ of ~~print and non-print materials provided to library clientele.~~  
 49 b. ~~It is the policy~~ Oneida Community Library in accordance with the  
 50 ~~laws~~ of the ~~Board to be self-supervised according to these bylaws. The Oneida~~  
 51 ~~Tribe shall remove itself from the activities~~ Nation, Chapter 43 of the ~~Board.~~ Wisconsin Statutes,  
 52 and any policies adopted pursuant thereto.  
 53  
 54 e. (1) Policy Statement of the Oneida Community Library Board:  
 55 Supporting and endorsing the American Library Association's  
 56 Association's Library Bill of Rights and  
 57 freedom to read statement, the Board accepts that its  
 58 purpose is to assist the Oneida General Tribal  
 59 Council and library staff:  
 60 1. (A) To provide quality library and information services  
 61 to the people of the Oneida  
 62 community as well as Brown and  
 63 Outagamie county residents through the continuation of  
 64 existing tribal, county and ~~interlibrary~~ inter-library system agreements.  
 65 2. (B) To encourage and promote the development of  
 66 library services to meet the  
 67 informational, educational, cultural and recreational needs of  
 68 the Oneida Community Library clients.  
 69 3. (C) To develop policies which will protect the unique  
 70 resources held by the Oneida Community Library;  
 71 specifically, those pertaining to the  
 72 Oneida/~~Hotinonshonni~~ Haudenosaunee and other Native  
 73 American Nations.  
 74 4. (D) To promote the use of meeting areas within the  
 75 Oneida Community Library for socially  
 76 useful and cultural activities.  
 77 (b) Powers and Duties. The Board shall be responsible for:  
 78 (1) The monitoring of, and advising on, the programs, services and  
 79 acquisitions of print/non-print materials provided to Oneida  
 80 Community Library clientele.  
 81 (2) The carrying out of all powers and duties set forth in Wis. Stat., §  
 82 43.58, as well as any other law, rule, policy or contractual provision  
 83 created thereunder.  
 84 (3) The carrying out of any other authority delegated through the laws,  
 85 policies, rules and resolutions of the Nation.  
 86  
 87 1-4. Office. The official office location and mailing address of the Board shall be:  
 88 (a) Office Location:  
 89 Oneida Community Library  
 90 201 Elm Street  
 91 Oneida, WI 54155



- (b) Mailing Address:  
Oneida Community Library Board  
P.O. Box 365  
Oneida, WI 54115

1-5. Membership.

- (a) Number of Members. The Board shall consist of five (5) members, one of whom shall be a school district administrator or administrator's representative.

- (1) Each Board 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 Boards, Committees and Commissions law.

- (A) Term Expiration. Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.

- (B) Resignation. A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Board Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.

- (b) Appointed. Board members shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law for terms of three (3) years.

- (c) Vacancies. Any vacancy for an expired/unexpired term shall be filled by appointment by the Oneida Business Committee.

- (1) The Board Chairperson shall review application materials and provide the Oneida Business Committee with recommendations on applicants for appointment by the executive session in which appointments are intended to be made.

- (d) Qualification for Membership. Board members shall meet the following qualifications:

- (1) Must be an enrolled member of the Oneida Nation;  
(2) Must be a resident of either Brown or Outagamie County;  
(3) Must be at least eighteen (18) years of age; and  
(4) Must not be a contractor or employee of any Oneida Nation Library branch.

1-6. Termination. A Board member's appointment may be terminated by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.

- (a) The Board may make recommendations to the Oneida Business Committee for the termination of a member's appointment based on the following:

- (1) A failure to attend three (3) unexcused consecutive meetings;



- (2) A failure to attend five (5) unexcused meetings within a one (1) year period; and/or
- (A) An absence shall be deemed unexcused if a member fails to provide written notice of his or her absence to a Board Officer at least thirty (30) minutes prior to the missed meeting.
- (3) Other conduct detrimental to the Board or any Oneida Library branch.
- (b) Recommendations to the Oneida Business Committee for termination of a Board member's appointment must be determined by a majority vote of the Board members present at a meeting of an established quorum.
- 1-7. *Trainings and Conferences.* Board members shall participate in mandatory trainings/conferences as follows:
- (a) Wisconsin Library Association Annual Conference;
- (b) Association of Tribal Archives;
- (c) Libraries & Museums Annual Conference;
- (d) American Indian Library Association Training; and/or
- (e) American Library Association Conferences.
- (f) On an annual basis or as needed not to exceed five (5) full days per member.
- (g) Regardless of the number of trainings/conferences that he or she is required to attend, no Board member shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## **Article II. Officers**

2-1. *Officers.*— The Board shall have three (3) ~~officers: a chairperson, a vice chairperson and a secretary, who shall serve three (3) year terms.~~ Officer positions consisting of a Chairperson, a Vice-Chairperson and a Secretary.

~~2-2.~~ 2-2. *Responsibilities of the Chairperson.* ~~The responsibilities, duties and limitations of the~~ Chairperson of the Board shall ~~be as follows:~~

- ~~a.~~ (a) Call and preside over meetings.
- ~~b.~~ (b) Receive, review and monitor all correspondence of the Board, present to the Board and sign all correspondence as approved by the Board.
- ~~c. Submit approved and signed Board meeting minutes, in conjunction with the Board Secretary, to the Oneida Tribal Secretary.~~
- ~~Submit~~ (c) Submit Board meeting minutes, in conjunction with the Board Secretary, to the Oneida Business Committee Support Office and maintain all recordings of Board meetings in accordance with the state's, as well as the Nation's, laws governing open records.
- ~~d.~~ (d) In conjunction with the Board Secretary, submit reports, as requested by the Oneida Business Committee; submit quarterly reports to the Oneida Business Committee; and annual and/semi-annual reports to the Oneida General Tribal Council ~~and any other reports,~~ as required by the Boards, Committees and Commissions



law, as well as Wis. Stat., § 43.58; and attend, or ~~requested by~~ designate a member of the Board to attend, the Oneida Business Committee or General Tribal Council, in conjunction with the Secretary of the Board, ~~meeting where the Board's~~ quarterly report appears on the agenda.

Other duties as assigned by

e. ~~2-3.~~ *Responsibilities of the Board.*

~~Vice-Chairperson.~~ ~~The~~ The responsibilities, duties and limitations of the Vice-Chairperson of the Board shall ~~perform~~ be as follows:

~~2-3.~~ (a) Perform the ~~Chairperson's~~ Chairperson's duties in the absence of the Chairperson.

~~2-4.~~ *Responsibilities of the Secretary.* ~~The~~ The responsibilities, duties and limitations of the Secretary of the Board shall ~~maintain~~ be as follows:

(a) Maintain all minutes, reports and correspondence of the Board in accordance with governing law, including, but not limited to, the Boards, Committees and Commissions law and the state's, as well as the Nation's, laws governing open records.

(b) Sign-off all expenditure approval statements referenced in section 2-6 of these bylaws and assist the Board Chairperson with the submission of reports referenced in section 2-2 of these bylaws.

~~2-4.~~ (c) In the event that both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms, call Board meetings to fill the vacancies and preside over ~~Board meetings in the absence of the Chairperson and the Vice Chairperson~~ those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

*How Chosen. Election*

~~2-5.~~ ~~2-5.~~ *Selection of officers* Officers. An election of Officers shall take place annually at the first regular meeting after appointment.

~~2-6.~~ *Personnel.* The Board does not have beginning of the authority to hire personnel for the benefit of the Board.

~~fiscal year~~ **Article III. Meetings.**

~~3-1.~~ *Regular Meetings.* The Board shall meet the second Wednesday of each month. The meeting dates and location may change from time to time as determined by the Board but shall be within the Reservation boundaries unless the Board membership is notified prior to designating the meeting location. The Secretary shall provide notice of the agenda, documents, and minutes to the members prior to the start of the meetings.

a. All other interested parties shall be encouraged to attend.

b. The Board follows Roberts Rules of Order.

c. Executive session shall be called as deemed necessary by the Board.

~~3-2.~~ *Emergency Meetings.* The Chairperson /or a majority of the Board may call an emergency meeting at any time provided twenty-four (24) hour notice is given by the Board Secretary.

~~3-3.~~ *Quorum.* Three (3) members of the Board, including at least one (1) officer, shall constitute a quorum. If a quorum is not present within fifteen (15) minutes of the start time, the meeting shall be declared dismissed.



3-4. ~~Order of Business.~~ The order of business so far as applicable shall be:

a. ~~Call to order~~

b. ~~Roll Call~~

c. ~~Agenda Approval~~

d. ~~Minutes~~

e. ~~New Business~~

f. ~~Old Business~~

g. ~~Executive Session~~

h. ~~Adjournment~~

3-5. ~~Voting.~~ Each ~~when a~~ member, including the Chairperson, shall have one (1) vote. Any decision of the Board shall be by consensus voting. is appointed for terms of one (1) year.

3-6. ~~Stipends.~~ (a) A Board member may be dismissed from his or her Officer position by a majority vote of the Board members shall be paid in attendance at a meeting stipend in accordance with Tribal law governing boards, committees and commissions, provided that the meeting has of an established a quorum for a minimum of.

(b) Board Officers may only hold one (1) hour and the Board member collecting the stipend was present for at least one (1) hour of the established quorum. Officer position per Officer term.

#### Article IV. Reporting

4-1. ~~Reporting.~~ Agenda items shall be in a consistent format.

4-2. ~~Minutes.~~ Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board.

4-3. ~~Handouts, memoranda, reports, etc. 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.~~

4-4. ~~The Board shall report to the Oneida Business Committee member who is designated as their liaison. This reporting format may be as the liaison directs, but may not be less than that required in any policy on report developed by the Oneida Business Committee or General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee directs, provided that the request is to uphold the ability of the liaison to act as a support to the Board.~~

4-5. ~~Accountability.~~ The Board shall maintain accountability by requiring detailed written and itemized financial reports of all individuals who are assigned activities related to the Oneida Community Library. These reports shall include the following: Telephone, Mileage, Per Diem, Lodging and all other related expenses that were incurred or will be incurred by all parties who are requesting advance payment or reimbursement for any and all Oneida Community Library activity.

4-6. ~~Travel Reports.~~ Written travel reports shall be submitted to the Board by all parties who have traveled in regards to Oneida Community Library matters no later than ten (10) days from the date of travel.

4-7. ~~Sub-Committees.~~ Sub-committees of the Board may be appointed by the Chairperson to carry out a special mission when deemed necessary based on the recommendation of the Library Director and/or the Board. The sub-committee shall serve until the duties with which the sub-committee has been charged are completed and a report is given to the



~~Library Director. The Library Director shall be an ex officio member of all sub-committees of the Board.~~

#### ~~Article V. Amendments~~

~~5-1. The Board, upon written notice, may at any of its regular meetings, by a consensus vote of the members present, adopt, amend, or repeal the bylaws provided that the proposed bylaws or repeal of the bylaws has been submitted in writing at a previous regular meeting. All such approved bylaws are subject to subsequent approval by the Oneida Business Committee.~~

~~5-2. At least once every three (3) years, the Board shall review these bylaws in order to determine that they are current.~~

~~5-3. Bylaws shall be filed in the Tribal Secretary's Office prior to their implementation.~~

~~These bylaws as amended and revised were adopted by the Oneida Community Library Board at a duly called meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.~~

~~\_\_\_\_\_  
\_\_\_\_\_  
Danielle White, Chairperson  
Oneida Community Library Board~~

~~Approved~~ 2-6. Budgetary Sign-Off Authority and Travel. The Board shall follow the Oneida Nation's \_\_\_\_\_ policies and procedures regarding purchasing and sign-off authority.

(a) Levels of Budgetary Sign-Off Authority. The Board shall audit and approve all expenditures of the public library and forward the bills or vouchers covering the expenditures, setting forth the name of each claimant or payee, the amount of each expenditure, and the purpose for which it was expended, to the person designated under the Nation's policies and procedures to issue payment for such expenditures.

(1) The Board shall include a statement, signed by the Board Secretary, that the expenditure has been incurred and that the Board has audited and approved the expenditure.

(A) Upon receiving the information referenced within this section 2-6, the person designated by the Nation's policies and procedures to issue payment for the expenditures shall then pay the bill as others are paid.

(b) Regular Wages/Recurring Payments. Regular wages/salary or other recurring payments, authorized by the Board and verified by the appropriate Oneida Community Library personnel, may be paid by the person designated under the Nation's policies and procedures to issue such payments by the date due or, in the case of salaries, by the regular pay day.

(1) The Board shall audit and approve payments under this subsection (b) at its next regular meeting.



- (c) The Board shall approve a member's request to travel by majority vote of its members in attendance at a regular or emergency Board meeting of an established quorum.

2-7. *Personnel.* Subject to approval by the Oneida Business Committee under the governing laws of the Nation, the Board shall have the authority set forth in Wis. Stat., § 43.58 to hire personnel for the benefit of the Board.

### Article III. Meetings at a duly called

3-1. *Regular Meetings.* The Board shall meet the 2nd Wednesday of each month, commencing at 4:30 p.m., at the Oneida Community Library located on 201 Elm Street in Oneida, Wisconsin.

- (a) The regular meeting date, time and/or location may change from time-to-time as determined by majority vote of the members in attendance at a Board meeting of an established quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws, prior to the implementation of a new date, time and/or location.

- (b) Notice of meeting location, agenda, minutes and materials shall be forwarded by the Chairperson with the assistance of the Vice-Chairperson and/or the Secretary to all members of the Board in writing and, along with the public, in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.

- (c) Meetings shall be run in accordance with Robert's Rules of Order.

3-2. *Emergency Meetings.* An emergency meeting may be called when time sensitive issues require immediate action.

- (a) The Chairperson or Chairperson's designee shall provide advance notice of emergency meetings to all Board members via telephone call, as well as email communication sent to the official Oneida Nation email address provided to each member to conduct business electronically on behalf of the Board, and, along with the public, shall further be provided notice in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.

(b) Within seventy-two (72) hours after an emergency meeting held on the day of \_\_\_\_\_, 2013, the Board shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

Patricia Hoeft, Oneida Tribal Secretary

3-3. *Joint Meetings.* Joint Meetings between the Board and the Oneida Business Committee shall not be held.



3-4. Quorum. A quorum shall consist of a majority of the current Board members and shall include an Officer; provided, the Secretary shall only qualify as an Officer for purposes of this section 3-4 when presiding over meetings called pursuant to section 2-4(c) of these bylaws.

3-5. Order of Business. The order of business, as far as applicable, is:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) Reports
- (g) Other Business
- (h) Executive Session
- (i) Adjournment

3-6. Voting. A simple majority vote of the members in attendance at a meeting of an established quorum is a required for all actions of the Board.

- (a) The Board Chairperson or presiding Officer shall only vote in case of a tie.
- (b) E-polls are permissible so long as conducted in accordance with the Boards, Committees and Commissions law.
  - (1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting an e-poll when the Chairperson is absent or unavailable.

#### **Article IV. Expectations**

4-1. Behavior of Members. Board members shall adhere to the Oneida Community Library Board Code of Conduct, these bylaws and any other applicable state laws and/or laws of the Nation while acting on behalf of the Board.

- (a) Enforcement. Any violation of this or any other section of these bylaws may result in the following:
  - (1) Upon a majority vote of the members present at a Board meeting of an established quorum, the Board may make a recommendation to the Oneida Business Committee for the termination of that Board member's appointment in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.
  - (2) The Board may discipline that Board member in accordance with any state laws or laws of the Nation governing sanctions and penalties for appointed officials.

4-2. Prohibition of Violence. Board members are prohibited from committing any violent intentional act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property.



4-3. *Drug and Alcohol Use.* When acting in their official capacity as members of the Board, the use of alcohol or prohibited drugs is forbidden.

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

4-4. *Social Media.* When using social media on behalf of or as a representative of the Board, members shall comply with any laws or policies of the Nation governing social media; their oaths of office; and any other applicable laws, rules, policies and/or contractual provisions promulgated and applied to the Board pursuant to participation as a member of the Nicolet Federated Library System under Wis. Stat., § 43.54.

4-5. *Conflict of Interest.* Conflicts of interest of Board members shall be governed by all applicable laws and policies of the Nation, as well as any laws, rules, policies and/or contractual provisions promulgated and applied to the Board pursuant to its participation as a member of the Nicolet Federated Library System under Wis. Stat., § 43.54.

(a) Conflicts of interest shall be reported and mitigated/removed in accordance with the applicable laws and policies of the Nation, as well as any laws, rules, policies and/or contractual provisions promulgated and applied to the Board pursuant to its participation as a member of the Nicolet Federated Library System under Wis. Stat., § 43.54.

## **Article V. Stipends and Compensation**

5-1. *Stipends.* Board members are eligible to receive a stipend for the following so long as in accordance with these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may further be amended from time-to-time hereafter:

(a) One (1) meeting stipend per month, whether called as a regular meeting or emergency meeting, provided that:

(1) A quorum was established;

(2) The meeting of the established quorum lasted for at least one (1) hour; and

(3) The Board member requesting the stipend was physically present for the entire meeting.

(b) A stipend for each day of attendance at a conference or training, provided that:

(1) The Board member attended a full day of training or was present at the conference for a full day; and

(2) The Board member's attendance at the training or conference was mandated by law, bylaws or resolution.



(c) A stipend for attending a Judiciary hearing if the member's attendance was required by official subpoena.

5-2. Compensation. Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law and Wis. Stat., § 43.54, members of the Board shall not be eligible to receive any other form of compensation for duties/activities they perform on behalf of the Board.

## Article VI. Records and Reporting

6-1. Agenda Items. Agenda items shall be consistently maintained in a format that complies with the State of Wisconsin's Open Meetings Law.

6-2. Minutes. Meeting minutes shall be typed and in a consistent format designed by the Oneida Business Committee Support Office and in compliance with the State of Wisconsin's Open Meetings Law to generate the most informative record.

(a) Minutes shall include a summary of action taken by the Board.

(b) Minutes shall be submitted to the Oneida Business Committee Support Office within seven (7) days of approval.

6-3. Attachments. Any handouts, reports, memorandum and the like provided at a meeting shall be included with the agenda items and other meeting material in which they were presented and maintained in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.

6-4. Oneida Business Committee Liaison. The Board shall meet with the member of the Oneida Business Committee who is its designated liaison as needed, the frequency and format of which may be as agreed upon between the liaison and the Board so long as no less than as required by law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

(a) The Board shall contact the liaison quarterly.

6-5. Audio Recordings. All meetings of the Board shall be recorded using a device supplied or approved by the Oneida Business Committee Support Office.

(a) Audio recordings shall be maintained by the Chairperson or the Chairperson's designee in accordance with the Nation's and the State of Wisconsin's open records/open meetings laws.

(b) Exception. Audio recordings of executive session portions of a meeting shall not be required.

## Article VII. Amendments

7-1. Amendments. Amendments to these bylaws shall be approved by a majority vote of the members in attendance at a regular Board meeting of an established quorum.



- 504                   (a)    Amendments to these bylaws shall conform to the requirements of the
- 505                               Boards, Committees and Commissions law, any applicable state law, and
- 506                               all other governing policies of the Nation.
- 507                   (b)    Amendments shall be approved by the Oneida Business Committee before
- 508                               implementation.
- 509                   (c)    The Board shall conduct a review of these bylaws on an annual basis.

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**Oneida Business Committee Agenda Request**

Approve the Oneida Election Board bylaws amendments

**1. Meeting Date Requested:** 9 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



**ONEIDA ELECTION BOARD BYLAWS****Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Election Board and may be referred to as the Board.

1-2. *Establishment.* This Board was established by the Oneida General Tribal Council (“GTC”) on July 7, 1939, through resolution GTC-07-07-39; and under the Nation’s Election law, adopted by GTC motion during its June 19, 1993 special meeting, as further amended by motion of the Oneida Business Committee on June 28, 1995, as well as resolutions GTC-07-06-98-A, GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A.

1-3. *Authority.*

(a) *Purpose.* The Board was created to carry out the provisions of the Election law and Article III, Sections 2 & 3 of the Constitution of the Oneida Nation. The purpose of the Board is to conduct the Nation’s elections in compliance with the laws of the Nation and assist with GTC meetings in reference to voting.

(b) *Powers and Duties.* The Board is responsible to conduct elections and to govern all procedures used in the election process along with attending GTC meetings. The Board has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including, but not limited to, the Election law.

1-4. *Office.* The official mailing address of the Election Board shall be:  
Oneida Election Board  
P.O. Box 413  
Oneida, Wisconsin 54155

1-5. *Membership.*

(a) *Number of Members.* The Election Board shall consist of nine (9) members.

(1) *Board Alternates.* The Oneida Business Committee may appoint or reappoint a sufficient number of alternates to the Board, as recommended by the Board, to assist with election day and pre-election activities.

(b) *Elected.* Members of the Board shall be elected by enrolled members of the Nation in accordance with the laws and/or policies of the Nation governing elections.

(1) Members of the Board shall serve terms of three (3) years, not to exceed two (2) consecutive terms.

(2) Members shall hold office until their term expires, they resign, or they are removed/terminated from office.

(A) Although a member’s term has expired, he or she shall remain in office and serve until a successor has been sworn in by the Oneida Business Committee.



- 47 (B) A member may resign at any time verbally at a meeting or  
48 by delivering written notice to the Oneida Business  
49 Committee Support Office and the Board Chairperson or  
50 Chairperson's designee.  
51 (i) The resignation is effective upon acceptance by  
52 Board motion of a member's verbal resignation or  
53 upon delivery of the written notices.
- 54 (c) *Vacancies.* Vacancies on the Board shall be filled as follows:  
55 (1) *Expired Terms.* Vacancies caused by the expiration of a member's  
56 term shall be filled by election in accordance with the laws and/or  
57 policies of the Nation governing elections.  
58 (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by  
59 appointment by the Oneida Business Committee, pursuant to the  
60 Boards, Committees and Commissions law, for the balance of the  
61 unexpired term.  
62 (A) The Board's Chairperson shall provide the Oneida Business  
63 Committee recommendations on all applications for  
64 appointment to fill a vacancy by the executive session in  
65 which the appointment is intended to be made.  
66 (B) The filling of a vacancy may be timed to correspond with the  
67 pre-election activities and the needs of the Board.
- 68 (d) *Qualifications of Members.* All Board members must be:  
69 (1) An enrolled member of the Nation; and  
70 (2) At least eighteen (18) years of age.
- 71 (e) *Duties/Responsibilities.*  
72 (1) Board members shall carry out all duties delegated by the Election  
73 law, including, but not limited to:  
74 (A) Ensuring that the election polling equipment and ballots are  
75 maintained in a locked and secured area when not in use for  
76 an election;  
77 (B) Developing and adhering to standard operating procedures  
78 regarding election activities and responsibilities;  
79 (C) Assisting individuals with disabilities throughout the voting  
80 process;  
81 (D) Being in charge of all registration and election procedures;  
82 (E) Upon completion of an election, making a final report on the  
83 election results and posting/publishing the election results in  
84 accordance with the Election law; and  
85 (F) Attending all Board meetings.
- 86
- 87 1-6. *Termination or Removal.* A member of the Board found to be in violation of these bylaws  
88 or the Election law may be subject to the following:  
89 (a) If the Board member was elected, the Board's filing of a petition for his or  
90 her removal pursuant to the Removal law and/or any other law of the Nation  
91 governing removal of elected officials;



(1) A member who is removed from the Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Board.

(b) If the Board member was appointed, the Board's recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.

(c) The filing of a petition for removal or submission of a recommendation for termination shall be decided by a majority vote of the members in attendance at a Board meeting of an established quorum.

1-7. *Trainings and Conferences.* Mandatory trainings/conferences for members of the Board shall be as follows:

(a) Robert's Rules of Order training on an annual basis or as needed, not to exceed five (5) full days per Board member; and/or

(b) Other Tribal Affiliated Election conferences/trainings as approved by the Board, not to exceed three (3) full days per Board member, per term.

(c) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the Bard shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## Article II. Officers & Non-Officer Positions

2-1. *Officers.* The Officer positions of the Board shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

(a) Call meetings and notify Board members with the assistance of the Vice-Chairperson and/or Secretary;

(b) Preside over all meetings and hearings of the Board;

(c) Oversee the conduct of the election;

(d) Decide issues of voter eligibility with the assistance of the Election Judge(s);

(e) Select the hearing body for applicants found to be ineligible in accordance with the Election law in the event of an appeal;

(f) Dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete;

(g) Post and report the results of all elections;

(h) With the assistance of the Board Secretary, submit quarterly reports to the Oneida Business Committee and annual/semi-annual reports to the Oneida General Tribal Council in accordance with the Boards, Committees and Commissions law;

(i) Attend, or designate a Board member to attend, the Oneida Business Committee meeting where the Board's quarterly report appears on the agenda; and



- (j) Carry out any other duty assigned to the Chairperson by the Board or the Election law.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

- (a) Preside over all meetings in the absence of the Chairperson and assist the Chairperson in forwarding notice of meeting location, agenda, minutes and materials; and
- (b) Work with the Chairperson in all matters that concern the Board.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

- (a) Keep accurate minutes of all Board meetings; submit them to the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law; and make them available to other Board members, as well as the public, per the requirements of the Nation's Open Records and Open Meetings law;
- (b) Assure that minutes are reported in the proper format;
- (c) Oversee mail received and inform the Board of all correspondence;
- (d) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, call Board meetings to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside;
- (e) Assist the Chairperson in forwarding notice of meeting location, agenda, minutes and materials; and
- (f) As applicable, the Oneida Business Committee Support Office will assist the Secretary with certain administrative duties and responsibilities.

2-5. *Selection of Officers.* The Officers shall serve one (1) year terms and shall be elected by a majority vote of the members in attendance at a Board meeting of an established quorum.

- (a) The Chairperson shall be elected at the first meeting of the Board.
- (1) Upon his or her election, the Chairperson shall direct the Board to elect a Vice-Chairperson and Secretary.
- (b) Board members may be dismissed from their Officer positions by majority vote of the members in attendance at a Board meeting of an established quorum.
- (c) In the event of a vacancy in the position of a Board Officer, a successor shall be voted in by a majority vote of the members in attendance at a Board meeting of an established quorum for the duration of the Officer's unexpired term.
- (d) Officers may hold only one (1) Officer position per Officer term.

2-6. *Ad Hoc Committee of the Board.* The Board shall create an Ad Hoc Committee for the limited purpose of maintaining a pool of qualified candidates that the Board



may choose from, when needed, to assist with its duties relating to GTC meetings. On or before the date of its creation, the Board shall develop a mission statement that reflects the Ad Hoc Committee's limited purpose stated herein.

- (a) Members of the Ad Hoc Committee shall be appointed and reappointed by the Oneida Business Committee, as recommended by the Board, for one (1) year terms in accordance with the Boards, Committees and Commissions law.

- (1) Members of the Ad Hoc Committee shall not be limited in the number of terms they can serve, consecutively or otherwise.

- (b) Members of the Ad Hoc Committee must possess the same qualifications required of Board members under the Election law and these bylaws.

- (c) Upon appointment, members of the Ad Hoc Committee must take an oath during a regular or special meeting of the Oneida Business Committee.

- (1) Members of the Ad Hoc Committee shall be subject to the applicable portions of section 4-1 and all of sections 4-2 through 4-5 of these bylaws to the same extent as appointed members of the Board, including the provisions relating to enforcement and discipline.

- (d) Members of the Ad Hoc Committee shall receive a stipend of fifty (50) dollars for each GTC meeting that:

- (1) The Board asked them to attend to assist with its duties relating to GTC meetings;

- (2) They did attend for the entirety of the meeting; and

- (3) They did assist with the Board's duties relating to GTC meetings.

- (e) Dissolution of the Ad Hoc Committee shall be in accordance with the Boards, Committees and Commissions law.

- 2-7. *Non-Officer Positions.* The Board shall identify Board members who shall serve in the non-Officer positions of tellers, Election Judges and clerks in advance of an election.

- (a) Non-Officers shall be identified in accordance with the Election law.

- 2-8. *Responsibilities of the Election Judge.* The duties, responsibilities and limitations of the Election Judge are as follows:

- (a) Inform and advise the Chairperson of all aspects of elections conducted under the Election law;

- (b) In accordance with the Election law, meet with the Trust Enrollment Department personnel who are registering voters to answer questions arising over voter eligibility; and

- (1) When disputes among Board members, or between members of the Nation and Board members, or any controversy regarding voter eligibility arise, the Election Judge shall assist the Chairperson in making a determination.

- (c) Ensure that all ballots of voters whose eligibility may be in question remain confidential.



- 230 2-9. *Responsibilities of the Teller.* The duties, responsibilities and limitations of the teller are  
231 as follows:  
232 (a) Collect and keep safe all ballots until the election is complete, as determined  
233 by the Election law; and  
234 (b) Assist the Chairperson as directed in conducting the election.  
235
- 236 2-10. *Responsibilities of the Clerk.* The duties, responsibilities and limitations of the clerk are as  
237 follows:  
238 (a) Implement the requirements of identifying and registering all voters and  
239 determining voter eligibility;  
240 (b) Work in conjunction with the Trust Enrollment Department personnel in the  
241 registration process;  
242 (c) Assist the Chairperson as directed in conducting the election; and  
243 (d) Not be currently employed in the Trust Enrollment Department.  
244
- 245 2-11. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and  
246 procedures regarding purchasing and sign-off authority.  
247 (a) Levels of budgetary sign-off authority for the Board shall be as set forth  
248 in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing*  
249 *Policies and Procedures*, for Area Directors/Enterprise Directors.  
250 (1) All Board Officers have sign-off authority and two (2) Officers shall  
251 be required to sign-off on all budgetary requests, including stipends  
252 and expenses.  
253 (b) The Board shall approve a member's request to travel on behalf of  
254 the Board by a majority vote of the members in attendance at a  
255 regular or emergency Board meeting of an established quorum.  
256
- 257 2-12. *Personnel.* The Board shall not have the authority to hire personnel for the benefit of  
258 the Board.  
259

### 260 **Article III. Meetings**

- 261 3-1. *Regular Meetings.* The regular meetings of the Board shall be held every second (2nd)  
262 Monday of the month, commencing at 5:00 p.m., at the Ridgeview Plaza,  
263 or another location as suggested at the first meeting of the Board, and may  
264 change from time-to-time as determined by the Board but shall be within  
265 the Reservation boundaries unless noticed to all members in writing and,  
266 along with the public, in accordance with governing law, including, but not  
267 limited to, the Nation's Open Records and Open Meetings law, prior to  
268 designating the meeting location.  
269 (a) The regular meeting date, time and location may change from time-to-time  
270 as determined by a majority vote of the members in attendance at a Board  
271 meeting of an established quorum upon notice to all members in writing  
272 and, along with the public, in accordance with governing law, including, but  
273 not limited to, the Nation's Open Records and Open Meetings law, prior to  
274 the implementation of a new date, time and/or location.



(b) Notice of meeting location, agenda, minutes and materials shall be forwarded by the Chairperson with the assistance of the Vice-Chairperson and/or Secretary.

(c) Meetings shall be run in accordance with Robert's Rules of Order.

3-2. *Emergency Meetings.* An emergency meeting may be called by the Chairperson when time sensitive issues require immediate action.

(a) The Chairperson or Chairperson's designee shall provide advance notice to all Board members of an emergency meeting by telephone call, as well as email communication sent to the official Oneida Nation email address provided to each member to conduct business electronically on behalf of the Board, and shall further provide notice to all members, as well as the public, in accordance with the Nation's Open Records and Open Meetings law.

(b) Within seventy-two (72) hours after an emergency meeting, the Board Chairperson or Chairperson's designee shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

3-3. *Joint Meetings.* Joint Meetings shall not be held.

3-4. *Quorum.* A quorum shall consist of a majority of current Board members, at least one (1) of which shall include the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4(d) of these bylaws.

3-5. *Order of Business.* The order of business, as far as applicable, is:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) Other Concerns/Announcements
- (g) Executive Session
- (h) Adjournment

3-6. *Voting.* Voting shall be in accordance with a majority vote of the Board members present at a meeting of an established quorum.

(a) All members of the Board shall have one (1) equal vote.

(b) The Chairperson or Vice-Chairperson, when presiding in the absence of the Chairperson, and Secretary, when presiding in accordance with section 2-4(d) of these bylaws, shall only vote when a tie needs to be broken.

(c) E-polls are permitted so long as conducted in accordance with the Boards, Committees and Commissions law.

(1) The Vice-Chairperson, in the absence or discretion of the Chairperson, and the Secretary, in the absence of the Vice-Chairperson or



discretion of the Chairperson, shall be responsible for conducting e-polls.

#### Article IV. Expectations

4-1. *Behavior of Members.* Members of the Board are expected to behave as follows:

(a) They shall not miss three (3) consecutive unexcused meetings within a twelve (12) month period.

(1) A member who fails to notify a Board Officer, in writing, of his or her absence at least thirty (30) minutes prior to the meeting in which he or she will be absent from shall be deemed unexcused.

(b) They shall follow the Election Board's Code of Conduct.

(c) They shall not speak or act in the name of the Board except when, by majority vote of the members present at a meeting of an established quorum, the Board has specifically delegated that responsibility.

(d) *Enforcement.* Any member of the Board found to be in violation of these behaviors/expectations or any other section of these bylaws may be subject to:

(1) Sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties of officials.

(2) If the Board member was elected, the Board's filing of a petition for his or her removal pursuant to the Removal law and/or any other laws or policies of the Nation governing the removal of elected officials.

(3) If the Board member was appointed, the Board's recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other laws or policies of the Nation governing the termination of appointed officials.

(4) The filing of a petition for removal or recommendation for termination shall be decided by a majority vote of the members in attendance at a Board meeting of an established quorum.

4-2. *Prohibition of Violence.* Any violent intentional act committed by a member of the Board that inflicts, attempts to inflict or threatens to inflict emotional or bodily harm on another person, or damage to property, when acting in his or her official capacity is strictly prohibited.

4-3. *Drug and Alcohol Use.* Members of the Board are prohibited from using alcohol and/or illegal drugs when acting in their official capacity.

4-4. *Social Media.* Social media shall be used in accordance with the members' oath of office, as well as any laws or policies of the Nation governing social media.

(a) No member of the Board shall post any Election Board information on his or her Facebook page or other social media outlets.



4-5. *Conflict of Interest.* Members of the Board shall abide by all applicable laws of the Nation governing conflicts of interest.

(a) A Board member shall recuse himself or herself from participating as a Board member in any pre-election, election day, or post-election activities when:

(1) He or she is a petitioner, applicant or candidate in any election;

(2) A petitioner, applicant, or candidate in any election is an immediate family member of the Board member; or

(A) Immediate family member shall be as defined within the Nation's Conflict of Interest law.

(3) There is otherwise a conflict of interest.

(b) Unless otherwise provided in any governing laws of the Nation relating to conflicts of interest, any conflicts will be handled by recommendation of a majority vote of the members in attendance at a Board meeting of an established quorum.

## **Article V. Stipends and Compensation**

5-1. *Stipends.* Board members are eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

(a) Two (2) monthly meeting stipends;

(b) Stipends for conducting hearings on appeals of eligibility determinations;

(c) Stipends for attending Judiciary hearings;

(1) A member of the Board may only receive a stipend for attending an Oneida Judiciary hearing if that member's attendance was required by official subpoena.

(d) A stipend for attendance at each full day of a training/conference that is required by law, bylaws or resolution.

(e) An hourly stipend for services that he or she provides during an election, including, but not limited to, managing the polling site, recounts and lot drawings; and

(f) A stipend for attending and providing service at an Oneida General Tribal Council meeting of the Nation.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, Board members shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the Board.

## **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be maintained in a format provided by the Oneida Business Committee Support Office.



- 411 6-2. *Minutes.* Minutes of the Board shall be typed in a format designed by the Oneida  
412 Business Committee Support Office to generate the most informative record  
413 of the Board's meetings, including a summary of the actions taken by the  
414 Board during its meetings.
- 415 (a) Minutes shall be submitted to the Oneida Business Committee Support  
416 Office within five (5) days of the meeting date.  
417
- 418 6-3. *Attachments.* Any handouts, reports, or documents shall be turned in to be filed with the  
419 minutes and agenda for the meeting in which they were presented.
- 420 (a) All handouts, reports, and documents shall be kept in electronic format in  
421 the Board's shared folder.  
422
- 423 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the  
424 Oneida Business Committee member who is its designated liaison.
- 425 (a) The frequency and method of communication shall be as agreed upon by  
426 the Board and the liaison, but not less than that required in any law or policy  
427 on reporting developed by the Oneida Business Committee or Oneida  
428 General Tribal Council.  
429
- 430 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a recording  
431 device supplied by the Oneida Business Committee Support Office.
- 432 (a) Audio recordings shall be submitted to the Oneida Business Committee  
433 Support Office by the Chairperson or Chairperson's designee for purposes  
434 of maintaining in accordance with the applicable laws of the Nation.
- 435 (b) *Exception.* Audio recordings of executive session portions of a Board  
436 meeting shall not be required.  
437

## 438 **Article VII. Amendments**

- 439 7-1. *Amendments to Bylaws.* Amendments shall be made to these bylaws by a majority vote of  
440 the members present at a regular Board meeting of an established quorum,  
441 provided that a written notice of proposed amendments was made at a prior  
442 regular meeting.
- 443 (a) Amendments to these bylaws must conform to the requirements of the  
444 Boards, Committees and Commissions law, as well as any other policy of  
445 the Nation.
- 446 (b) Amendments to these bylaws must be approved by the Oneida Business  
447 Committee before implementation.
- 448 (c) The Board shall review these bylaws from time to time as needed, but no  
449 less than on an annual basis.  
450





## Oneida Election Board Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

| REQUESTER:<br>Legislative<br>Reference Office                 | SPONSOR:<br>Kirby Metoxen  | DRAFTER:<br>Kristen M. Hooker | ANALYST:<br>Maureen Perkins |
|---|--|-------------------------------|-----------------------------|
| Complies with<br>Boards,<br>Committees and<br>Commissions Law | These bylaws amendments comply with the Boards, Committees and Commissions law [1 O.C. 105]. The Oneida Business Committee (OBC) directed that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and the Nation's corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law [Resolution BC-09-26-18-C]. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited [1 O.C. 105.10]. |                               |                             |
| Intent of the<br>Bylaws                                       | The bylaws provide a framework for the operation and management of the Oneida Election Board (Board) to govern the standard procedures regarding the way the Board conducts its affairs, including: the election and appointment of persons to the Board, the membership qualifications, duties and responsibilities of both members and Officers, terms and filling vacancies of members, selection of Officers, establishment of expectations of members, maintenance of official records, stipends, removal process, required training, and how the bylaws are amended.                                 |                               |                             |
| Purpose   | The Board was created to carry out the provisions of the Election law [1 O.C. 102.1-1] as established by the Constitution of the Oneida Nation [Oneida Nation Constitution, Article III, Section 5]. The purpose of the Board is to conduct the Nation's elections in compliance with the laws of the Nation and assist with voting at General Tribal Council (GTC) meetings [Proposed Bylaws 1-3(a)].   |                               |                             |
| Related Legislation   | Oneida Nation Constitution, Election law, Boards, Committees and Commissions law, Removal Law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law  |                               |                             |
| Enforcement/Due<br>Process                                    | Removal from an elected position on the Board follows the Removal Law [1 O.C. 104] and Board members appointed by the OBC to serve an unexpired vacant position will be subject to the Boards, Committees and Commissions law regarding the termination of an appointment [1 O.C. 105.6(c)]. The Board included behavioral expectations that if not followed may result in a petition for removal [1 O.C. 105] or a recommendation to the OBC to terminate an appointment [1 O.C. 105.6(c)] and [Proposed Bylaws 4-1(d)].  |                               |                             |
| Public Meeting  | Public meetings are not required for bylaws.   |                               |                             |
| Fiscal Impact   | A fiscal impact statement is not required for bylaws.  |                               |                             |

### 1 SECTION 2. BACKGROUND



- 2 A. The Board bylaws amendments were added to the Active Files List on September 6, 2017, with Kirby  
3 Metoxen as the sponsor.
- 4 B. A previous version of the Election Board was established by resolution GTC-7-7-1939.
- 5 C. Ordinance No. II - Elections was adopted by resolution GTC-7-12-1939. This ordinance was drafted  
6 containing the election requirements set by GTC including provisions related to the appointed Election  
7 Board. The first six Election Board members were appointed by the OBC (Executive Committee) on  
8 July 12, 1939.
- 9 D. The Election Ordinance was adopted by GTC motion on June 19, 1993. This ordinance contains  
10 provisions related to the Election Board and includes duties and requirements of membership including  
11 the election of Board members. The Election Ordinance has been amended many times most currently  
12 as the Election law on April 23, 2017.
- 13 E. The current Board bylaws were approved by the OBC on February 25, 2009.
- 14 F. The Election law has been amended three additional times (GTC-01-04-10-A, BC-02-25-15-C and  
15 GTC-04-23-17-A) since the current Board bylaws were approved.
- 16

### 17 **SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

- 18 A. The Board bylaws comply with the Boards, Committees and Commissions law and the Election law.
- 19 B. The Board bylaws comply with OBC Resolution BC-05-08-19-B titled "Amending Resolution BC-09-  
20 26-18-D Boards, Committees and Commissions Law Stipends" which details the types, specific dollar  
21 amounts and eligibility requirements of stipends.
- 22

### 23 **SECTION 4. AMENDMENTS**

24 The Board bylaws were expanded to include duties delegated by the Election law. This section details the  
25 changes to the bylaws from the previously adopted bylaws.

#### 26 **A. ARTICLE I. MEMBERSHIP**

- 27 a. The number of members changed from twelve (12) to nine (9) with a sufficient number of  
28 alternate members as recommended by the Board and appointed by the OBC to assist with  
29 election day and pre-election activities [*Proposed Bylaws 1-5(a)*].
- 30 b. A Board member whose term has expired will now remain in office until a successor has  
31 been sworn in by the OBC [*Proposed Bylaws 1-5(b)(2)(A)*] which is optional under the  
32 Boards, Committees and Commissions law [*1 O.C. 105.6-2(a)(1)*].
- 33 c. The resignation process has changed in accordance with the Boards, Committees and  
34 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:
- 35 • Verbally and accepted by motion at a meeting; or
- 36 • By delivering a written resignation to the Business Committee Support Office  
37 (BCSO) and the Board Chairperson or Chairperson's designee [*Proposed*  
38 *Bylaws 1-5(b)(2)(B)*].
- 39 d. Unexpired terms will be filled in accordance with the Boards, Committees and  
40 Commissions law [*Proposed Bylaws 1-5(c)(2)*] [*1 O.C. 105.6*].
- 41 e. A provision was added that the Chairperson will make a recommendation to fill vacancies  
42 on behalf of the Board [*Proposed Bylaws 1-5(c)(2)(A)*].
- 43 f. A qualification of at least 18 years of age was added to the bylaws [*Proposed Bylaws 1-  
44 5(d)(2)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-  
45 3(a)(5)(D)(i)*].
- 46 g. The duties and responsibilities of members were expanded to include duties delegated by  
47 the Election law [*Proposed Bylaws 1-5(e)*].
- 48 h. Termination and Removal. The removal of an elected member or recommendation that the  
49 OBC terminate an appointed member complies with the Boards, Committees and  
50 Commissions law [*Proposed Bylaws 1-6*] [*1 O.C. 105.10-3(a)(6)*].



- The Removal Law will be followed for removal of elected members [1 O.C. 104] and the Boards, Committees and Commissions law will be followed for termination of appointed members [1 O.C. 105.6-2(c)]; following the process in Article IV.4-1(d) of the proposed bylaws.
- A removal petition or a recommendation for termination of appointment must be by majority vote of the Board members in attendance at a regular or emergency meeting with an established quorum [Proposed Bylaws 1-6(c)].
- i. Mandatory trainings and conferences were added in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(a)(7)] with specific training areas and requirements including [Proposed Bylaws 1-7]:
  - Not more than five (5) full days of training per member annually or as needed for Robert's Rules of Order, and
  - Not more than three (3) days of training per member per term for other Tribal affiliated election conferences.
  - Regardless of the number of required trainings/conferences Board members are required to attend; members are only eligible for up to five (5) stipends for full days of trainings/conferences attended per year.

## B. ARTICLE II. OFFICERS AND NON-OFFICERS

- a. Additional duties were added to the Chairperson, Vice-Chairperson and Secretary positions in accordance with the Election law [1 O.C. 102.4-10] and the Boards, Committees and Commissions law [1 O.C. 105.12-3]:
  - The Chairperson will submit reports to the OBC and the GTC; with the assistance of the Secretary [Proposed Bylaws 2-2(h)].
  - The Chairperson, or Board member designee, will attend the OBC meeting when the Board's quarterly report appears on the agenda [Proposed Bylaws 2-2(g)].
  - The Secretary will submit minutes to the BCSO and make them available to the Board and the public [Proposed Bylaws 2-4(a)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.12-1] and the Open Records and Open Meetings law [1 O.C. 107.6-3].
  - A provision was added that if both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms; the Secretary shall call and preside over a meeting until a new Chairperson and Vice-Chairperson is elected at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside [Proposed Bylaws 2-4(d)]. In this instance the Secretary's presence can be used to constitute quorum [Proposed Bylaws 3-4].
- b. The BCSO was added to assist the Board Secretary with administrative duties [Proposed Bylaws 2-4(f)].
- c. A provision was added that Board members may be dismissed from their Officer positions and a new Officer selected; both by a majority vote of members in attendance at a Board meeting with an established quorum [Proposed Bylaws 2-5(b) and (c)].
- d. A provision was added that Board members may only hold one Officer position per Officer term [Proposed Bylaws 2-5(d)].
- e. Ad Hoc Committee members were added to maintain a pool of qualified applicants to assist with duties related to GTC meetings [Proposed Bylaws 2-6]. Ad Hoc Committee members shall:
  - Be appointed by the OBC for one (1) year terms with no limitations on the number of terms served.



- Be required to take an oath of office and abide by all requirements of regular Board members.
  - Be required to possess the same qualifications as members of the Board.
  - Receive a stipend in the amount of fifty (50) dollars for duties performed at the direction of the Board if all attendance and participation requirements are met.
  - The dissolution of the Ad Hoc Committee will follow the Boards, Committees and Commissions law [1 O.C. 105.17-1].
- f. Non-Officer Board member positions of Election Judge, Teller and Clerk were added with duty descriptions and shall be identified in accordance with the Election law [Proposed Bylaws 2-8 through 2-10] [1 O.C. 102.4-10].
- g. The budgetary and sign-off authority and travel section is new to these bylaws based on requirements in the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)].
- The Board will use levels for budgetary sign-off authority that are as set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors. All Board Officers shall have sign-off authority and two (2) Officers must sign-off on budgetary requests, including stipends and expenses [Proposed Bylaws 2-11].
    - i. Although not applicable to the Board; the Board will follow the budgetary sign-off levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors, page 217 which includes the following levels of sign-off authority:
      - 1. Budgeted items with three bids for items between \$3,000 and \$10,000;
      - 2. Unbudgeted items between \$1,000 and \$5,000; and
      - 3. Budgeted but sole source items between \$1,000 and \$5,000.
  - All travel must be authorized by two (2) Officer positions in accordance with the Travel and Expense Policy [2 O.C. 219.4-2]. All travel must be approved through majority vote of a quorum of the Board in attendance at a regular or emergency Board meeting [Proposed Bylaws 2-11(b)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. Board members may travel in the Nation's vehicles when certified and must follow the Vehicle Driver Certification and Fleet Management law [2 O.C. 210].
- C. ARTICLE III. MEETINGS
- a. Emergency meetings will be noticed via official email and telephone call and in accordance with the Open Records and Open Meetings law [Proposed Bylaws 3-2(a)] and [1 O.C. 107.15-2(c)].
- b. A provision was added per the Boards, Committees and Commissions law that the Chairperson or Chairperson's designee will notify the Nation's Secretary within seventy-two (72) hours of holding an emergency meeting 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 [Proposed Bylaws 3-2(b)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(2)(A)].
- c. Special meetings were removed, and clarification that no joint meetings with the OBC will be held was added to the bylaws [Proposed Bylaws 3-3] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)].



- 150 d. The Secretary position was added to create a quorum when a Chairperson and Vice-  
151 Chairperson are being elected in accordance with section 2-4(d) of the proposed bylaws  
152 *[Proposed Bylaws 3-4]*.
- 153 e. A provision was added that the Officer position chairing the meeting can only vote to break  
154 a tie *[Proposed Bylaws 3-6(b)] [1 O.C. 105.10-3(c)(6)(B)]*.
- 155 f. E-polls were added and will be conducted by the Chairperson or the Vice-Chairperson or  
156 Secretary in the Chairperson's absence or discretion *[Proposed Bylaws 3-6(c)] [1 O.C.*  
157 *105.11]*.
- 158
- 159 D. ARTICLE IV. EXPECTATIONS
- 160 This section is new to these bylaws based on the requirements established in the Boards, Committees  
161 and Commissions law *[1 O.C. 105.10-3(d)]*.
- 162 a. Behavioral requirements were added *[Proposed Bylaws 4-1]*. A requirement to notify a  
163 Board Officer in writing thirty (30) minutes before a pending absence or the absence is  
164 deemed unexcused *[Proposed Bylaws 4-1(a)(1)]*.
- 165 b. Enforcement of behavioral expectations include sanctions and/or penalties according to  
166 any applicable law of the Nation, removal petition if elected and recommendation from the  
167 Board for termination of appointment by the OBC both by majority vote of the Board  
168 *[Proposed Bylaws 4-1(d)]*. This complies with the Boards, Committees and Commissions  
169 law *[1 O.C. 105.10-3(d)(1)]*.
- 170 • Removal petitions and recommendations to the OBC to terminate a member's  
171 appointment must be decided by a majority vote of the Board of members present  
172 in a meeting with an established quorum *[Proposed Bylaws 4-1(d)(4)]*.
- 173 c. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional  
174 or bodily harm or damage to property are prohibited and violations could result in a  
175 termination from the Board *[Proposed Bylaws 4-2]* in compliance with the Boards,  
176 Committees and Commissions law *[1 O.C. 105.10-3(d)(2)]*.
- 177 d. Drug and alcohol use by a Board member when acting in an official capacity is prohibited  
178 *[Proposed Bylaws 4-3]* in compliance with the Boards, Committees and Commissions law  
179 *[1 O.C. 105.10-3(d)(3)]*.
- 180 e. Board members are required to follow the laws and policies of the Nation as well as their  
181 oath of office with respect to Social Media. Board members are prohibited from posting  
182 Board information on his or her Facebook page or other social media outlet *[Proposed*  
183 *Bylaws 4-4]*. This complies with the Boards, Committees and Commissions law which  
184 allows for added detail related to restrictions of Board information on social media *[1 O.C.*  
185 *105.10-3(d)(4)]*.
- 186 f. The bylaws include a provision *[Proposed Bylaws 4-5]* that requires the Board to abide by  
187 Nation's Conflict of Interest law *[2 O.C. 217]* and the Boards, Committees and  
188 Commissions law including disclosure of conflicts of interest annually *[1 O.C. 105.10-*  
189 *3(d)(5) and 105.15]*. The Board bylaws include a provision that requires a conflicted  
190 member to recuse himself or herself from participation in Board activities if they or an  
191 immediate family member are a petitioner, applicant or candidate in an election or for any  
192 other conflict *[Proposed Bylaws 4-5(a)]*. Conflicts will be decided by majority vote of the  
193 Board in attendance at a meeting with an established quorum unless a law of the Nation  
194 dictates how conflicts are addressed *[Proposed Bylaws 4-5(b)]*. This aligns with the  
195 Conflict of Interest law of the Nation which allows for entities to outline further prohibited  
196 activities resulting in conflicts of interest *[2 O.C. 217.7-2]*.
- 197 i. The current bylaws contain a term and definition for "related to" and this  
198 term and definition was removed *[Current Bylaws, see footnote on page*  
199 *3]*. The term for "immediate family member" from the Conflict of Interest  
200 law will be used as follows:



1. “Immediate family member” means an individual’s husband, wife, mother, father, step mother, step father, son, daughter, step son, step daughter, brother, sister, step brother, step sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law and any of these relations attained through legal adoption” [2 O.C. 217.3-1(g)].

E. ARTICLE V. STIPENDS AND COMPENSATION

- a. This section provides a list of eligible stipends members of the Board are eligible to receive [Proposed Bylaws 5-1]. The Boards, Committees and Commissions law dictates that a full day of training is required to receive a training stipend [1 O.C. 105.13-8(a)]. This section complies with Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends”.
- b. The Board is not eligible for any other type of compensation except travel, per diem and business expense reimbursement in accordance with the Boards, Committees and Commissions law [Proposed Bylaws 5-2] [1 O.C. 105.13-9].

F. ARTICLE VI. RECORDS AND REPORTING

- a. The Boards, Committees and Commissions law established added requirements related to records and reporting [1 O.C. 105.10-3(f)].
- The Board will use the agenda format provided by the BCSO [Proposed Bylaws 6-1]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(1)].
  - The Board’s minutes will be typed in a format provided by the BCSO, will summarize actions taken and will be submitted to the BCSO within five (5) days of the meeting [Proposed Bylaws 6-2]. This meets the requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-(f)(2)].
  - All attachments will be attached to and maintained with the meeting minutes and agenda in which they were presented and kept in electronic format in the Board’s shared folder [Proposed Bylaws 6-3]. This meets requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(3)]. Although not mentioned; packets and meeting materials will be available to the public in accordance with the Open Records and Open Meetings law [1 O.C. 107.7-2] and the Chairperson will be the default legal custodian of all records [1 O.C. 107.6-3].
  - The Board will communicate regularly with the assigned OBC liaison [Proposed Bylaws 6-4].
  - A requirement was added that the Board will audio record all meetings with a device supplied by the BCSO and submit all audio files to the BCSO for maintenance. Executive session is not required to be recorded [Proposed Bylaws 6-5]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(5)] and the Open Records and Open Meetings law [1 O.C. 107.7-3].

G. ARTICLE VII. AMENDMENTS

- a. A provision was added requiring that amendments follow the Boards, Committees and Commissions law and any other policy of the Nation [1 O.C. 105.10-3(g)] and that the bylaws be reviewed as needed but no less than annually [Proposed Bylaws 7-1]. The current bylaws require a review of the bylaws each time a vacancy is filled [Current Bylaws 5-1].



**SECTION 5. RELATED LEGISLATION**

There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws that establish duties and requirements of the Election Board in addition to laws referenced in the bylaws.

- A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida Nation Constitution, Article IV, Section 1(g)*]. The Constitution requires the Nation to enact the necessary rules and regulations governing elections of tribal officials [*Oneida Nation Constitution, Article III, Section 5*]. There are no conflicts between these bylaws and the Oneida Nation Constitution.
- B. Election [1 O.C. 102]. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations [*1 O.C. 102.1-1*]. The law governs all procedures used in the election process [*1 O.C. 102.1-2*]. The law creates the Board, defines their role, contains requirements related to how the Board functions, establishes qualifications of Board members and specific duties, establishes terms of member as well as the election procedures and reporting requirements [*1 O.C. 102.4*]. The Board is elected by the General Tribal Council [*Proposed Bylaws 1-5(b)*]. The proposed bylaws comply with the requirements established in the Election law and there are no conflicts.
- C. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related to elected and appointed boards, committees and commissions of the Nation. The law governs 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. The Board is elected by the Nation's qualified voting membership and vacancies are appointed by the OBC for the duration of the unexpired term [*Proposed Bylaws 1-5(b) and (c)*]. The requirements for entity bylaws are contained in this law as well as a requirement that all existing entities of the Nation comply with the format detailed in the law and present the bylaws for adoption by the OBC within a reasonable timeframe [*1 O.C. 105.10-3*]. The proposed bylaws comply with and there are no conflicts with the Boards, Committees and Commissions law.
- D. Removal Law [1 O.C. 104]. This law governs the removal process related to board, committee and commission members that are elected by the qualified voting membership of the Nation. This law contains due process measures related to specific causes for removal, petition requirements, preliminary review by the Judiciary, a hearing that includes potential witnesses as well as a burden of proof by a person seeking the removal by clear and convincing evidence that ground(s) for removal exist and a Special GTC Meeting that requires a 2/3 affirmative majority vote. The Board bylaws include additional behavioral expectations that if not followed may result in a petition for removal as decided by majority vote of the Board [*Proposed Bylaws 4-1(d)(2) and (4)*]. This aligns with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)*]. The proposed bylaws comply and there are no conflicts with the Removal Law.
- E. Social Media Policy [2 O.C. 218]. This law applies to the Board and regulates the Nation's social media accounts including how content is managed and who has authority to post on social media on behalf of the Nation. Boards, committees and commissions of the Nation must register social media accounts with the Nation's Secretary's Office to include specific information related to access to the account, acknowledgment and compliance with the Computer Resources Ordinance and this policy, use a Nation issued email address, and ensure all content complies with all applicable laws of the Nation, state or federal laws. The bylaws identify that the Board must comply with the Social Media Policy and their oath of office [*Proposed Bylaws 4-4*] in accordance



with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(4)]. Additionally, the proposed bylaws include a provision that no member of the Board shall post any Board information on his or her Facebook or other social media outlets [Proposed Bylaws 4-4(a)]. The proposed bylaws comply with and there are no conflicts with the Social Media Policy.

F. Computer Resources Ordinance [2 O.C. 215]. Board members are considered users under this law which regulates and ensures the appropriate use of the Nation's computer resources. There are no conflicts between the proposed bylaws and the Computer Resources Ordinance. Members of the board must sign an acknowledgment form indicating notice of the Nation's applicable computer and media related laws according to the Boards, Committees and Commissions law [1 O.C. 105.14-3(b)]. The proposed bylaws comply and there are no conflicts with the Computer Resources Ordinance.

G. Travel and Expense Policy [2 O.C. 219]. Members of the Board are eligible to be reimbursed for travel and per diem to attend a conference or training in accordance with this policy. All travel must be authorized by the two (2) Officers [Proposed Bylaws 2-11(a)(1)] in accordance with the Travel and Expense Policy [2 O.C. 219.4-2]. The Board will approve all board travel by majority vote of the board [Proposed Bylaws 2-11(b)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. The proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.

H. Conflict of Interest [2 O.C. 217]. This law applies to the Board and establishes specific limitations to which information or materials that are confidential or may be used by a competitor of the Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards, Committees and Commissions law establishes that amended bylaws require members to disclose potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The Board bylaws include a provision that requires a conflicted member to recuse himself or herself from participation in Board activities if they or an immediate family member are a petitioner, applicant or candidate in an election or for any other conflict [Proposed Bylaws 4-5(a)]. Conflicts will be decided by majority vote of the Board unless a different process is dictated by law or policy of the Nation [Proposed Bylaws 4-5(b)]. This aligns with the Conflict of Interest law of the Nation which allows for entities to outline further prohibited activities resulting in conflicts of interest [2 O.C. 217.7-2]. Penalties for failure to disclose conflicts of interest include a removal petition in accordance with the Removal Law for elected members, termination of appointment in accordance with the Boards, Committees and Commissions law for appointed members, and enforcement of any penalties in accordance with the laws of the Nation [2 O.C. 217.6-2 and 6-3]. The proposed bylaws comply and there are no conflicts with the Conflict of Interest law.

I. Open Records and Open Meetings [1 O.C. 107]. The Board must comply with the Open Records and Open Meetings law. This law details how records must be maintained and made available to the public and specifies that meetings are open to the public unless specific criteria are met which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of meetings is also required by this law [1 O.C. 107.15-1]. The Board bylaws do not delegate the maintenance of the records aside from the Secretary's responsibility for the minutes [Proposed Bylaws 2-4(a)]. Maintenance of Board packets including attachments defaults to the Chairperson under this law [1 O.C. 107.6-3]. Board meetings are open to the public except portions that meet the exceptions in this law related to the discussion of personnel matters or contracts and deemed confidential in accordance with this law [1 O.C. 107.12-2 and 107.17]. Meeting packets and backup materials will be made available to the public in accordance with this law which states that any requestor has the right make or receive a copy of a public record [1 O.C. 107.7-2]. The proposed bylaws comply and there are no conflicts with the Open Records and Open Meetings law.



- 353 J. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. BCC's are considered entities  
354 [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this  
355 law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources  
356 Department or designee to ensure drivers, including BCC members, are certified to drive a vehicle  
357 of the Nation or a personal vehicle on Tribal business. The law requires BCC members (officials)  
358 to have written consent from the BCC they serve on prior to being approved to use a Tribal vehicle  
359 [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources Department with  
360 the appropriate license, training certifications, and insurance information [2 O.C. 210.8-1].  
361 Additionally, BCC members must abide by all reporting requirements in this law [2 O.C. 210.9-2].  
362 a. BCC members who violate this law may be subject to:  
363 i. any laws regarding sanctions or penalties; and  
364 ii. termination of appointment following the Boards, Committees and Commissions  
365 law [1 O.C. 105].  
366



## ONEIDA ELECTION BOARD BY-LAWS

### Article I. Authority

**1-1. Name.** The name of this entity will be the Oneida Election Board and may be referred to as the Board.

**1-2. Authority.** This entity is re-recognized by the Oneida Business Committee by adoption of these by-laws on December 30, 1998 and amended on May 21, 2003 and February 25, 2009.

**1-3. Office.** The official mailing address of this entity shall be:

Oneida Election Board  
P.O. Box 413  
Oneida, Wisconsin 54155

The physical meeting place shall be determined at the first meeting of this entity and may change from time to time as determined by the entity, but shall be within the reservation boundaries unless noticed to the membership prior to designating the meeting location.

**1-4. Membership.** The Board will:

- a. Consist of 12 (twelve) voting members.
- b. Be selected in accordance with the Election Law, Section 4-2, provided that the following processes shall be used:
  - i. *More nominations than vacancies.* At the General Tribal Council Meeting, members shall be nominated at the meeting. The nominated person shall either accept or decline. Upon closure of the acceptance of nominations for members, the Tribal Secretary and Election Board Chairperson, or designee, shall number the candidates consecutively for members. The General Tribal Council shall then utilize ballots prepared for this purpose and shall cast their ballots choosing the appropriate number of names from each set.
  - ii. *Less nominations than vacancies.* In the event that less candidates are nominated than there are vacant positions, no voting is needed.
  - iii. *Ties.* In the event of a tie, the tie shall be broken by the flip of a coin.
- c. Fill vacancies in accordance with the Election Law, Section 4-2a.
- d. Remove members from the Board due to unexcused absence's in accordance with the Removal Law.
- e. Accept resignation's when submitted in writing and presented to the Board in accordance with the Election Law, Section 4-6.

**1-5. Elections.** The Board is responsible for holding elections of the Oneida Tribe and conducting secret ballots of General Tribal Council Meetings.

### Article II. Officers

**2-1. Officers.** This entity shall have three officers -- Chairperson, Vice Chairperson, and Secretary.

**2-2. Chair duties.** Responsible for calling meetings and notifying members with the assistance of the Secretary. The Chairperson shall preside over all regular and special meetings, shall oversee the conduct of the election, and shall post the results of all elections.

**2-3. Vice Chair duties.** The Vice Chairperson shall preside at all meetings in the absence of the Chairperson. The Vice Chairperson shall work with the Chairperson in all matters that concern the Board.

**2-4. Secretary duties.** The Secretary shall keep accurate minutes of all meetings, both regular and



special meetings. Assure that minutes are reported in the proper format. Read and answer all mail abiding by/to the decisions of the Board.

**2-5. *How chosen and length of term.*** The officers shall serve terms of three (3) years and shall be elected by a majority vote at the first meeting of the Election Board following their selection by the GTC. In the event of a vacancy, the successor shall be voted in by the voting members for the duration of the unexpired term.

**2-6. *Members.*** Members shall serve a term of three (3) years and shall be selected by the GTC. Members of the Board shall have voting powers. No Member shall serve for more than two consecutive terms. In the event of a vacancy of a Member, a request shall be submitted to the Oneida Business Committee requesting the vacancy be posted.

a. Upon declaration of candidacy for elected office, members shall take a leave of absence which shall last until the Final Report is approved by the Board.

**2-7. *Standing and Special Committees.*** Standing and special committees shall be created when necessary.

**2-8. *Compensation.*** The Board shall be compensated as defined by the Comprehensive Policy Governing Boards, Committees, and Commissions for all meetings, including General Tribal Council meetings, at the rate of \$50.00 per meeting and paid at an hourly rate of \$10.00 per hour for all Elections.

**2-9. *Conflict of Interest.*** Any board member who may be related to<sup>1</sup> a candidate on the ballot for the current election shall recuse themselves from the actual election and any recounts relative to that election.

### **Article III. Meetings**

**3-1. *Regular meetings.*** The regular meeting of the Board shall be held as called for by the Chairperson. 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 Roberts Rule's of Order.

a. Members may contact another member in any fashion to identify that they wish to be excused prior to the meeting. After a meeting, the Board may identify that a member may be excused from the prior meeting by majority vote.

**3-2. *Emergency meetings.*** Emergency or special meetings may be called by the Chairperson with at least a one hour notice.

**3-3. *Quorum.*** A quorum shall consist of a majority of current members and shall include the Chairperson or Vice-Chairperson.

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

- a. Call to order
- b. Approve/Amend Agenda
- c. Approve/Amend Minutes
- d. Tabled Business

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<sup>1</sup>The term "related to" shall be defined as a Board member's Father, Father-in-law, Daughter-in-law, Mother, Mother-in-law, Son-in-law, Husband, Brother-in-law, Sister-in-law, Wife, Brother, Sister, Son, Grandparent, Grandchild or Daughter.



- e. Old Business
- f. New Business
- g. Other Concerns/Announcements
- h. Next Meeting & Adjournment

**3-5. Voting.** Voting shall be in accordance with Roberts Rule's of Order or by a majority vote of the voting members.

#### **Article IV. Reporting**

**4-1. Format.** Agenda items shall be in an identified format.

**4-2. Minutes.** Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity.

**4-3. 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.

**4-4. Reporting.** The Chairperson will report to the Tribal Secretary, who is the designated liaison. This reporting format may be as the Tribal Secretary and Board 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 Tribal Secretary and the Board agree.

#### **Article V. Amendments**

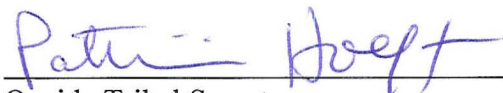
**5-1. Amendments to By-Laws.** Amendments shall be made to these by-laws at a regular meeting of the Board provided that written notice of proposed amendments was made at a prior regular meeting. Amendments are effective upon adoption by the Board and approved by the Oneida Business Committee.

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These by-laws, as amended and revised, are hereby attested to as adopted by the Board at a duly called meeting by the Chairperson's signature on February 9, 2009, and approved by the Oneida Business Committee at a duly called meeting held on February 25, 2009, signed by the Tribal Secretary of the Oneida Business Committee.



Oneida Election Board Chairperson



Oneida Tribal Secretary

Oneida Tribe of Indians of Wisconsin



**ONEIDA ELECTION BOARD ~~BY LAWS~~ BYLAWS**

**Article I. -Authority**

1-1. - Name. - \_\_\_\_\_ The name of this entity ~~will~~shall be the Oneida Election Board and may be \_\_\_\_\_ referred to as the Board.

**1-2.**

1-2. Establishment. This Board was established by the Oneida General Tribal Council ("GTC") on July 7, 1939, through resolution GTC-07-07-39; and under the Nation's Election law, adopted by GTC motion during its June 19, 1993 special meeting, as further amended by motion of the Oneida Business Committee on June 28, 1995, as well as resolutions GTC-07-06-98-A, GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A.

~~Authority.~~ This entity is re-recognized by the Oneida Business Committee by adoption of these by-laws on December 30, 1998 and amended on May 21, 2003 and February 25, 2009.

1-3. Authority. - \_\_\_\_\_

(a) Purpose. The Board was created to carry out the provisions of the Election law and Article III, Sections 2 & 3 of the Constitution of the Oneida Nation. The purpose of the Board is to conduct the Nation's elections in compliance with the laws of the Nation and assist with GTC meetings in reference to voting.

(b) Powers and Duties. The Board is responsible to conduct elections and to govern all procedures used in the election process along with attending GTC meetings. The Board has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including, but not limited to, the Election law.

1-4. Office. - \_\_\_\_\_ The official mailing address of ~~this entity~~the Election Board shall be:

Oneida Election Board  
P.O. Box 413  
Oneida, Wisconsin 54155

**1-5. Membership.**

(a) Number of Members. The ~~physical~~Election Board shall consist of nine (9) members.

(1) Board Alternates. The Oneida Business Committee may appoint or reappoint a sufficient number of alternates to the Board, as recommended by the Board, to assist with election day and pre-election activities.

(b) Elected. Members of the Board shall be elected by enrolled members of the Nation in accordance with the laws and/or policies of the Nation governing elections.

(1) Members of the Board shall serve terms of three (3) years, not to exceed two (2) consecutive terms.



- (2) Members shall hold office until their term expires, they resign, or they are removed/terminated from office.
- (A) Although a member's term has expired, he or she shall remain in office and serve until a successor has been sworn in by the Oneida Business Committee.
- (B) A member may resign at any time verbally at a meeting place or by delivering written notice to the Oneida Business Committee Support Office and the Board Chairperson or Chairperson's designee.
- (i) The resignation is effective upon acceptance by Board motion of a member's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies on the Board shall be filled as follows:
- (1) *Expired Terms.* Vacancies caused by the expiration of a member's term shall be filled by election in accordance with the laws and/or policies of the Nation governing elections.
- (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by appointment by the Oneida Business Committee, pursuant to the Boards, Committees and Commissions law, for the balance of the unexpired term.
- (A) The Board's Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment to fill a vacancy by the executive session in which the appointment is intended to be made.
- (B) The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Board.
- (d) *Qualifications of Members.* All Board members must be:
- (1) An enrolled member of the Nation; and
- (2) At least eighteen (18) years of age.
- (e) *Duties/Responsibilities.*
- (1) Board members shall carry out all duties delegated by the Election law, including, but not limited to:
- (A) Ensuring that the election polling equipment and ballots are maintained in a locked and secured area when not in use for an election;
- (B) Developing and adhering to standard operating procedures regarding election activities and responsibilities;
- (C) Assisting individuals with disabilities throughout the voting process;
- (D) Being in charge of all registration and election procedures;
- (E) Upon completion of an election, making a final report on the election results and posting/publishing the election results in accordance with the Election law; and
- (F) Attending all Board meetings.



1-6. *Termination or Removal.* A member of the Board found to be in violation of these bylaws or the Election law may be subject to the following:

(a) If the Board member was elected, the Board's filing of a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing removal of elected officials;

(1) A member who is removed from the Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Board.

(b) If the Board member was appointed, the Board's recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.

(c) The filing of a petition for removal or submission of a recommendation for termination shall be decided by a majority vote of the members in attendance at a Board meeting of an established quorum.

1-7. *Trainings and Conferences.* Mandatory trainings/conferences for members of the Board shall be as follows:

(a) Robert's Rules of Order training on an annual basis or as needed, not to exceed five (5) full days per Board member; and/or

(b) Other Tribal Affiliated Election conferences/trainings as approved by the Board, not to exceed three (3) full days per Board member, per term.

(c) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the Bard shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## **Article II. Officers & Non-Officer Positions**

2-1. *Officers.* ~~determined~~ The Officer positions of the Board shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

(a) Call meetings and notify Board members with the assistance of the Vice-Chairperson and/or Secretary;

(b) Preside over all meetings and hearings of the Board;

(c) Oversee the conduct of the election;

(d) Decide issues of voter eligibility with the assistance of the Election Judge(s);

(e) Select the hearing body for applicants found to be ineligible in accordance with the Election law in the event of an appeal;

(f) Dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete;

(g) Post and report the results of all elections;

(h) With the assistance of the Board Secretary, submit quarterly reports to the Oneida Business Committee and annual/semi-annual reports to the Oneida



General Tribal Council in accordance with the Boards, Committees and Commissions law;

(g) Attend, or designate a Board member to attend, the Oneida Business Committee meeting where the Board's quarterly report appears on the agenda; and

(i) Carry out any other duty assigned to the Chairperson by the Board or the Election law.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

(a) Preside over all meetings in the absence of the Chairperson and assist the Chairperson in forwarding notice of meeting location, agenda, minutes and materials; and

(b) Work with the Chairperson in all matters that concern the Board.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

(a) Keep accurate minutes of all Board meetings; submit them to the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law; and make them available to other Board members, as well as the public, per the requirements of the Nation's Open Records and Open Meetings law;

(b) Assure that minutes are reported in the proper format;

(c) Oversee mail received and inform the Board of all correspondence;

(d) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, call Board meetings to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside;

(e) Assist the Chairperson in forwarding notice of meeting location, agenda, minutes and materials; and

(f) As applicable, the Oneida Business Committee Support Office will assist the Secretary with certain administrative duties and responsibilities.

2-5. *Selection of Officers.* The Officers shall serve one (1) year terms and shall be elected by a majority vote of the members in attendance at a Board meeting of an established quorum.

(a) The Chairperson shall be elected at the first meeting of the Board.

(1) Upon his or her election, the Chairperson shall direct the Board to elect a Vice-Chairperson and Secretary.

(b) Board members may be dismissed from their Officer positions by majority vote of the members in attendance at a Board meeting of an established quorum.

(c) In the event of a vacancy in the position of a Board Officer, a successor shall be voted in by a majority vote of the members in attendance at a Board



meeting of an established quorum for the duration of the Officer's unexpired term.

(d) Officers may hold only one (1) Officer position per Officer term.

2-6. *Ad Hoc Committee of the Board.* The Board shall create an Ad Hoc Committee for the limited purpose of maintaining a pool of qualified candidates that the Board may choose from, when needed, to assist with its duties relating to GTC meetings. On or before the date of its creation, the Board shall develop a mission statement that reflects the Ad Hoc Committee's limited purpose stated herein.

(a) Members of the Ad Hoc Committee shall be appointed and reappointed by the Oneida Business Committee, as recommended by the Board, for one (1) year terms in accordance with the Boards, Committees and Commissions law.

(1) Members of the Ad Hoc Committee shall not be limited in the number of terms they can serve, consecutively or otherwise.

(b) Members of the Ad Hoc Committee must possess the same qualifications required of Board members under the Election law and these bylaws.

(c) Upon appointment, members of the Ad Hoc Committee must take an oath during a regular or special meeting of the Oneida Business Committee.

(1) Members of the Ad Hoc Committee shall be subject to the applicable portions of section 4-1 and all of sections 4-2 through 4-5 of these bylaws to the same extent as appointed members of the Board, including the provisions relating to enforcement and discipline.

(d) Members of the Ad Hoc Committee shall receive a stipend of fifty (50) dollars for each GTC meeting that:

(1) The Board asked them to attend to assist with its duties relating to GTC meetings;

(2) They did attend for the entirety of the meeting; and

(3) They did assist with the Board's duties relating to GTC meetings.

(e) Dissolution of the Ad Hoc Committee shall be in accordance with the Boards, Committees and Commissions law.

2-7. *Non-Officer Positions.* The Board shall identify Board members who shall serve in the non-Officer positions of tellers, Election Judges and clerks in advance of an election.

(a) Non-Officers shall be identified in accordance with the Election law.

2-8. *Responsibilities of the Election Judge.* The duties, responsibilities and limitations of the Election Judge are as follows:

(a) Inform and advise the Chairperson of all aspects of elections conducted under the Election law;

(b) In accordance with the Election law, meet with the Trust Enrollment Department personnel who are registering voters to answer questions arising over voter eligibility; and



(1) When disputes among Board members, or between members of the Nation and Board members, or any controversy regarding voter eligibility arise, the Election Judge shall assist the Chairperson in making a determination.

(c) Ensure that all ballots of voters whose eligibility may be in question remain confidential.

2-9. *Responsibilities of the Teller.* The duties, responsibilities and limitations of the teller are as follows:

(a) Collect and keep safe all ballots until the election is complete, as determined by the Election law; and

(b) Assist the Chairperson as directed in conducting the election.

2-10. *Responsibilities of the Clerk.* The duties, responsibilities and limitations of the clerk are as follows:

(a) Implement the requirements of identifying and registering all voters and determining voter eligibility;

(b) Work in conjunction with the Trust Enrollment Department personnel in the registration process;

(c) Assist the Chairperson as directed in conducting the election; and

(d) Not be currently employed in the Trust Enrollment Department.

2-11. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the Board shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.

(1) All Board Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, including stipends and expenses.

(b) The Board shall approve a member's request to travel on behalf of the Board by a majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum.

2-12. *Personnel.* The Board shall not have the authority to hire personnel for the benefit of the Board.

### **Article III. Meetings**

3-1. ~~this entity and may~~ *Regular Meetings.* The regular meetings of the Board shall be held every second (2nd)

Monday of the month, commencing at 5:00 p.m., at the Ridgeview Plaza, or another location as suggested at the first meeting of the Board, and may

change from time-to-time as determined by the ~~entity~~ Board but shall be within ~~the reservation~~ the Reservation boundaries unless

noticed to ~~the~~ membership all members in writing and, along with the public, in accordance with governing law, including, but not



limited to, the Nation's Open Records and Open Meetings law, prior to designating the meeting location.

(a) The regular meeting date, time and location may change from time-to-time as determined by a majority vote of the members in attendance at a Board meeting of an established quorum upon notice to all members in writing and, along with the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(b) Notice of meeting location, agenda, minutes and materials shall be forwarded by the Chairperson with the assistance of the Vice-Chairperson and/or Secretary.

(c) Meetings shall be run in accordance with Robert's Rules of Order.

*3-2. Emergency Meetings.* An emergency meeting may be called by the Chairperson when time sensitive issues require immediate action.

(a) The Chairperson or Chairperson's designee shall provide advance notice to all Board members of an emergency meeting by telephone call, as well as email communication sent to the official Oneida Nation email address provided to each member to conduct business electronically on behalf of the Board, and shall further provide notice to all members, as well as the public, in accordance with the Nation's Open Records and Open Meetings law.

(b) Within seventy-two (72) hours after an emergency meeting, the Board Chairperson or Chairperson's designee shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

*3-3. Joint Meetings.* Joint Meetings shall not be held.

*3-4. Quorum.* A quorum shall consist of a majority of current Board members, at least one (1) of which shall include the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4(d) of these bylaws.

*3-5. Order of Business.* The order of business, as far as applicable, is:

(a) Call to Order

(b) Adopt the Agenda

(c) Approval of Minutes

(d) Old Business

(e) New Business

(f) Other Concerns/Announcements

(g) Executive Session

(h) Adjournment

*3-6. Voting.* Voting shall be in accordance with a majority vote of the Board members present at a meeting of an established quorum.



(a) All members of the Board shall have one (1) equal vote.

(b) The Chairperson or Vice-Chairperson, when presiding in the absence of the Chairperson, and Secretary, when presiding in accordance with section 2-4 (d) of these bylaws, shall only vote when a tie needs to be broken.

(c) E-polls are permitted so long as conducted in accordance with the Boards, Committees and Commissions law.

(1) The Vice-Chairperson, in the absence or discretion of the Chairperson, and the Secretary, in the absence of the Vice-Chairperson or discretion of the Chairperson, shall be responsible for conducting e-polls.

**Article IV. 1-4. Membership.** The Board will:

a. Consist of 12 (twelve) voting members.

b. Be selected in accordance with **Expectations**

4-1. *Behavior of Members.* Members of the Board are expected to behave as follows:

(a) They shall not miss three (3) consecutive unexcused meetings within a twelve (12) month period.

(1) A member who fails to notify a Board Officer, in writing, of his or her absence at least thirty (30) minutes prior to the meeting in which he or she will be absent shall be deemed unexcused.

(b) They shall follow the Election Law, Section 4-2, provided Board's Code of Conduct.

(c) They shall not speak or act in the name of the Board except when, by majority vote of the members present at a meeting of an established quorum, the Board has specifically delegated that the following processes responsibility.

(d) *Enforcement.* Any member of the Board found to be in violation of these behaviors/expectations may be subject to:

(1) Sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties of officials.

(2) If the Board member was elected, the Board's filing of a petition for his or her removal pursuant to the Removal law and/or any other laws or policies of the Nation governing the removal of elected officials.

(3) If the Board member was appointed, the Board's recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other laws or policies of the Nation governing the termination of appointed officials.

(4) The filing of a petition for removal or recommendation for termination shall be decided by a majority vote of the members in attendance at a Board meeting of an established quorum.

4-2. *Prohibition of Violence.* Any violent intentional act committed by a member of the Board that inflicts, attempts to inflict or threatens to inflict emotional or bodily



- 365 harm on another person, or damage to property, when acting in his or her  
366 official capacity is strictly prohibited.  
367
- 368 4-3. *Drug and Alcohol Use.* Members of the Board are prohibited from using alcohol and/or  
369 illegal drugs when acting in their official capacity.  
370
- 371 4-4. *Social Media.* Social media shall be used in accordance with the members' oath of office,  
372 as well as any laws or policies of the Nation governing social media.  
373 i. *More nominations than vacancies.* At the General Tribal Council Meeting,  
374 members shall be nominated at the meeting. The nominated person shall either  
375 accept or decline. Upon closure of the acceptance of nominations for members, the  
376 Tribal Secretary and Election Board Chairperson, or designee, shall number the  
377 candidates consecutively for members. The General Tribal Council shall then  
378 utilize ballots prepared for this purpose and shall cast their ballots choosing the  
379 appropriate number of names from each set.  
380 ii. *Less nominations than vacancies.* In the event that less candidates are  
381 nominated than there are vacant positions, no voting is needed.  
382 iii. *Ties.* In the event of a tie, the tie shall be broken by the flip of a coin.  
383 e. Fill vacancies in accordance with the Election Law, Section 4-2a.  
384 d. Remove members from the Board due to unexcused absence's in accordance with the  
385 Removal Law.  
386 e. Accept resignation's when submitted in writing and presented to the Board in accordance with  
387 the Election Law, Section 4-6. (a) No member of the Board shall post  
388 any Election Board information on his or her Facebook page or other  
389 social media outlets.  
390
- 391 4-5. *Conflict of Interest.* Members of the Board shall abide by all applicable laws of the Nation  
392 governing conflicts of interest.  
393 (a) A Board member shall recuse himself or herself from participating as a  
394 Board member in any pre-election, election day, or post-election activities  
395 when:  
396 (1) He or she is a petitioner, applicant or candidate in any election;  
397 (2) A petitioner, applicant, or candidate in any election is an immediate  
398 family member of the Board member; or  
399 (A) Immediate family member shall be as defined within the  
400 Nation's Conflict of Interest law.  
401 (3) There is otherwise a conflict of interest.  
402 (b) Unless otherwise provided in any governing laws of the Nation  
403 relating to conflicts of interest, any conflicts will be handled by  
404 recommendation of  
405 (a) 1-5. *Elections.* The Board is responsible for holding elections of the Oneida  
406 Tribe and conducting secret ballots of General Tribal Council Meetings.  
407
- 408 **Article II. Officers**  
409 **2-1. *Officers.* This entity shall have three officers—Chairperson, Vice Chairperson, and Secretary.**



~~2-2. **Chair duties.** Responsible for calling meetings and notifying members with the assistance of the Secretary. The Chairperson shall preside over all regular and special meetings, shall oversee the conduct of the election, and shall post the results of all elections.~~

~~2-3. **Vice Chair duties.** The Vice Chairperson shall preside at all meetings in the absence of the Chairperson. The Vice Chairperson shall work with the Chairperson in all matters that concern the Board.~~

~~2-4. **Secretary duties.** The Secretary shall keep accurate minutes of all meetings, both regular and special meetings. Assure that minutes are reported in the proper format. Read and answer all mail abiding by/to the decisions of the Board.~~

~~2-5. **How chosen and length of term.** The officers shall serve terms of three (3) years and shall be elected by a majority vote at the first meeting of the Election members in attendance at a Board meeting of an established quorum.~~

## **Article V. Stipends and Compensation**

~~5-1. **Stipends.** Board members are eligible for the following ~~their selection~~ stipends as set forth in and \_\_\_\_\_ subject to these bylaws, the Boards, Committees and Commissions law, and \_\_\_\_\_ resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D \_\_\_\_\_ Boards, Committees and Commissions Law Stipends, as may be further \_\_\_\_\_ amended from time-to-time hereafter:~~

~~(a) Two (2) monthly meeting stipends;~~

~~(b) Stipends for conducting hearings on appeals of eligibility determinations;~~

~~(c) Stipends for attending Judiciary hearings;~~

~~(1) A member of the Board may only receive a stipend for attending an Oneida Judiciary hearing if that member's attendance was required by official subpoena.~~

~~(d) A stipend for attendance at each full day of a training/conference that is required by the GTC. In the event of a vacancy, the successor shall be voted in law, bylaws or resolution.~~

~~(e) An hourly stipend for services that he or she provides during an election, including, but not limited to, managing the polling site, recounts and lot drawings; and~~

~~(f) A stipend for attending and providing service at an Oneida General Tribal Council meeting of the Nation.~~

~~5-2. **Compensation.** Besides the travel, per diem and business expense reimbursement authorized by the ~~voting members for the duration~~ Boards, Committees and Commissions law, Board \_\_\_\_\_ members shall not be eligible for any other form of ~~the unexpired term~~ compensation for duties/ \_\_\_\_\_ activities they perform on behalf of the Board.~~

## **Article VI. Records and Reporting**

~~6-1. **Agenda Items.** Agenda items~~ ~~2-6. **Members.** Members shall serve a term of three (3) years and shall be selected maintained in a format provided by the GTC. Members~~ Oneida Business Committee Support Office.



~~6-2. *Minutes.* Minutes of the Board shall have voting powers. No Member shall serve for more than two consecutive terms. In the event of a vacancy of a Member, a request be typed in a format designed by the Oneida Business Committee Support Office to generate the most informative record of the Board's meetings, including a summary of the actions taken by the Board during its meetings.~~

(a) Minutes shall be submitted to the Oneida Business Committee Support Office within five (5) days of the meeting date.

~~6-3. *Attachments.* Any handouts, reports, or documents shall be turned in to be filed with the minutes and agenda for the meeting in which they were presented.~~

(a) All handouts, reports, and documents shall be kept in electronic format in the Board's shared folder.

~~6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the Oneida Business Committee member who is its designated liaison.~~

(a) The frequency and method of communication shall be as agreed upon by the Board and the liaison, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

~~6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a recording device supplied by the Oneida Business Committee Support Office.~~

(a) Audio recordings shall be submitted to the Oneida Business Committee requesting the vacancy be posted Support Office by the Chairperson or Chairperson's designee for purposes of maintaining in accordance with the applicable laws of the Nation.

a. Upon declaration (b) *Exception.* Audio recordings of candidacy for elected office; members shall take a leave executive session portions of absence which shall last until the Final Report is approved by the Board.

~~2-7. *Standing and Special Committees.* Standing and special committees shall be created when necessary.~~

~~2-8. *Compensation.* The Board shall be compensated as defined by the Comprehensive Policy Governing Boards, Committees, and Commissions for all meetings, including General Tribal Council meetings, at the rate of \$50.00 per meeting and paid at an hourly rate of \$10.00 per hour for all Elections.~~

~~2-9. *Conflict of Interest.* Any board member who may be related to<sup>+</sup> a candidate on the ballot for the current election shall recuse themselves from the actual election and any recounts relative to that election.~~

~~Article III. shall Meetings~~

<sup>+</sup>The term "related to" shall be defined as a Board member's Father, Father-in-law, Daughter-in-law, Mother, Mother-in-law, Son-in-law, Husband, Brother-in-law, Sister-in-law, Wife, Brother, Sister, Son, Grandparent, Grandchild or Daughter.



~~3-1. **Regular meetings.** The regular meeting of the Board shall be held as called for by the Chairperson. 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 Roberts Rule's of Order.~~

~~a. Members may contact another member in any fashion to identify that they wish to be excused prior to the meeting. After a meeting, the Board may identify that a member may be excused from the prior meeting by majority vote.~~

~~3-2. **Emergency meetings.** Emergency or special meetings may be called by the Chairperson with at least a one hour notice.~~

~~3-3. **Quorum.** A quorum shall consist of a majority of current members and shall include the Chairperson or Vice Chairperson.~~

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

- ~~a. Call to order~~
- ~~b. Approve/ Amend Agenda~~
- ~~c. Approve/ Amend Minutes~~
- ~~d. Tabled Business~~
- ~~e. Old Business~~
- ~~f. New Business~~
- ~~g. Other Concerns/ Announcements~~
- ~~h. Next Meeting & Adjournment~~

~~3-5. **Voting.** Voting shall be in accordance with Roberts Rule's of Order or by a majority vote of the voting members.~~

#### ~~Article IV. Reporting~~

~~4-1. **Format.** Agenda items shall be in an identified format.~~

~~4-2. **Minutes.** Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity.~~

~~4-3. **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.~~

~~4-4. **Reporting.** The Chairperson will report to the Tribal Secretary, who is the designated liaison. This reporting format may be as the Tribal Secretary and Board agree to, but not less than that be 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 Tribal Secretary and the Board agree.~~

#### ~~Article V.~~

#### Article VII. Amendments

~~57-1. - Amendments to **By-Laws.** *Bylaws.* Amendments shall be made to these by-laws at a regular meeting of the Board provided that bylaws by a majority vote of the members present at a regular Board meeting of an established quorum, provided that a written notice of proposed amendments was made at a prior regular meeting.~~



- (a) ~~Amendments are effective upon adoption by the Board and~~ to these bylaws  
must conform to the requirements of the Boards,  
Committees and Commissions law, as well as any other policy of  
the Nation.
- (b) Amendments to these bylaws must be approved by the Oneida Business  
Committee before implementation.

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~~These by laws, as amended and revised, are hereby attested to as adopted by the Board at a duly  
called meeting by the Chairperson's signature on February 9, 2009, and approved by the Oneida  
Business Committee at a duly called meeting held on February 25, 2009, signed by the Tribal  
Secretary of the Oneida Business Committee.~~

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~~Oneida Election Board Chairperson~~

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~~Oneida Tribal Secretary~~

- ~~Oneida Tribe of Indians of Wisconsin~~ (c) The Board shall review these bylaws  
from time to time as needed, but no less than on an annual basis.



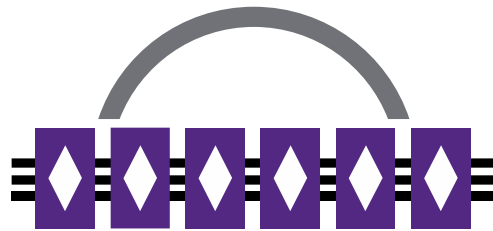
**Oneida Business Committee Agenda Request**

Approve the Oneida Nation Veterans Affairs Committee bylaws amendments

**1. Meeting Date Requested:** 9 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



# **Oneida Nation Veterans Affairs Committee By-Laws**



# **ONEIDA**

# **ONVAC**

**For anything not covered by these by-laws, please refer to the  
Oneida Nation  
Title 1. Government and Finances – Chapter 105  
BOARDS, COMMITTEES AND COMMISSIONS**



**ONEIDA NATION  
VETERANS AFFAIRS  
COMMITTEE**

**MISSION STATEMENT**

**Our Mission is to provide quality support service and assistance to our Oneida Veterans and their families.**

**We are the principal advocates for Veterans and their families and we accept the responsibility to protect the integrity of the Veterans Community.**

**We advocate for the Veterans and their families within the Oneida Community by representing their needs and causes as they relate to our Veterans individually and as veterans organizations.**



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**ONEIDA NATION VETERANS AFFAIRS COMMITTEE  
BYLAWS**

**Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Nation Veterans Affairs Committee and may be referred to as the Veterans Affairs Committee or abbreviated ONVAC.

1-2. *Establishment.* ONVAC was created by the Oneida Business Committee by motion on January 12, 1994 and further established through the adoption of these bylaws on October 29, 1997, which were amended on February 13, 2013 and from time-to-time hereinafter.

1-3. *Authority.*

(a) *Purpose.* The purpose of the Veterans Affairs Committee is to serve as an advisory body to the Oneida Veterans Service Office ("Office") in all matters relating to Oneida Nation Veterans' rights and benefits and veterans' affairs issues, and to protect the honor and integrity of the Oneida Nation and all veterans who served honorably in the United States Uniformed Services. Among other services, the Veterans Affairs Committee is to provide advice and constructive input to the Oneida Veterans Service Office Director on all veterans' affairs issues so that the Office can formulate veterans' services and programs; and to coordinate veterans' events with the Office and veterans' organizations that are representatives of Oneida Veterans and the Oneida Nation.

(b) *Powers and Duties.* The powers of the Veterans Affairs Committee are advisory, with duties that include, but are not limited to, the following:

(1) Supporting the Oneida Veterans Service Office and the Oneida Nation.

(2) Being responsible to the Oneida Business Committee, all Oneida Nation Veterans and their families, and the Oneida Community.

(3) Supporting the Office in the provision and coordination of all veterans services to the Oneida Community and as requested by local, state, federal, other tribal activities and/or events and veterans associations, such as the Color/Honor Guard, funerals, parades, school visits and presentations.

(4) *Color Guard.* The ONVAC is the official Color Guard of the Oneida Nation. The ONVAC may appoint other endorsed or approved veterans or veteran groups in order to fulfill any Oneida Nation requests. This duty may be delegated to the Oneida Veterans Service Officer who also has direct contact with Oneida Veterans and the active veterans' organization.

(A) *Designate Representatives.* The ONVAC and the Oneida Veterans Service Office Director shall verify the authenticity of groups or individuals who wish to represent Oneida Nation Veterans.



- (5) *Financial Requests.* The ONVAC shall be the screening body for individual veterans or veteran groups who are requesting funds from the Oneida Nation for various reasons such as: (1) to alleviate a financial hardship; (2) to provide a veterans service or event, such as the Veterans Pow-Wow, a seminar, training or a conference; and (3) to attend a veterans related project, event, training, seminar, and/or some other activity, such as a military reunion.
- (6) Responding to and acting upon any other delegated authority established through the laws, policies, rules and resolutions of the Oneida Nation.

1-4. *Office.* The official mailing address of the Veterans Affairs Committee shall be:  
 Oneida Nation Veterans Affairs Committee  
 ATTN: Veterans Service Office  
 P.O. Box 365  
 Oneida, Wisconsin 54155

1-5. *Membership.*

- (a) *Number of Members.* The ONVAC shall consist of nine (9) appointed 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 Boards, Committees and Commissions law.
- (A) *Term Expiration.* Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.
- (B) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the ONVAC Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
- (b) *Appointment.* ONVAC members shall be appointed in accordance with the Boards, Committees and Commissions law for terms of three (3) years.
- (1) Terms shall be staggered with appointments to be started on the first day of the year (1/1) and ending on the last day of the year (12/31).
- (c) *Vacancies.* Vacancies shall be filled in accordance with the Boards, Committees and Commissions law.
- (1) The ONVAC Chairperson shall review application materials and provide the Oneida Business Committee with recommendations on applicants for appointment by the executive session in which appointments are intended to be made.
- (d) *Qualifications of Members.* ONVAC members shall meet the following qualifications:
- (1) Be an enrolled member of the Oneida Nation.
- (2) Be a resident of Brown or Outagamie County, Wisconsin.



(3) Have served on and Honorably Discharged (Form DD-214 Required) from Active Duty in the United States Uniformed Services (Army, Navy, Air Force, Marines, Coast Guard, Public Health Service or National Oceanic and Atmospheric Administration).

(A) Active Duty is defined as having served one hundred and eighty-one (181) days or more of continuous active duty unless discharged early, with less than one hundred and eighty-one (181) days of active duty, because of a service-connected disability.

(4) Have served as a member of the Selected Reserve and completed at least six (6) years in the Reserves or the National Guard or was discharged early because of a service-connected disability.

(5) Be a citizen in good standing in the Oneida Community.

1-6. *Termination.* An ONVAC member's appointment may be terminated by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

(a) The Veterans Affairs Committee may make recommendations to the Oneida Business Committee for the termination of a member's appointment based on the following:

(1) A failure to comply with these bylaws or with any other law and/or policy of the Nation;

(2) Three (3) un-excused absences from an ONVAC meeting within a period of one (1) year.

(A) An un-excused absence shall be defined as a failure by a member to notify a Board Officer, in writing, of his or her pending absence no less than thirty (30) minutes before the scheduled meeting.

(b) Recommendations to the Oneida Business Committee for termination of an ONVAC member's appointment must be determined by a majority vote of the members in attendance at an ONVAC meeting of an established quorum.

1-7. *Training and Conferences.* ONVAC members shall attend and participate in various trainings and/or conferences that the ONVAC Chairperson or a majority of the members in attendance at an ONVAC meeting of an established quorum deem necessary for members to responsibly serve ONVAC and/or maintain the knowledge, skills and abilities required of them to perform the on-going activities relating thereto.

(a) Regardless of the number of trainings/conferences that he or she is required to attend, no ONVAC member shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.



138 **Article II. Officers and Administrative Support**

139 2-1. *Officers.* The Officer positions of the Veterans Affairs Committee shall consist of a  
140 Chairperson, a Vice-Chairperson and a Secretary.

141  
142 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the  
143 Chairperson are as follows:

- 144 (a) Shall call and preside over all meetings of the Veterans Affairs Committee  
145 and appoint members to any task forces or subcommittees of the ONVAC  
146 in accordance with section 3-4 of these bylaws.
- 147 (b) Shall have financial sign-off authority as set forth in section 2-6 of these  
148 bylaws.
- 149 (c) Shall submit, or through a designee submit, annual and semi-annual reports  
150 to the Oneida General Tribal Council, as well as quarterly reports to the  
151 Oneida Business Committee, in accordance with the Boards, Committees  
152 and Commissions law.
- 153 (d) Shall represent and/or request another Officer to represent the ONVAC at  
154 all regularly scheduled/unscheduled reporting requirements to the Oneida  
155 Business Committee and other business units of the Nation as may be  
156 requested, including, but not limited to, the Oneida Business Committee  
157 meeting in which the ONVAC's quarterly report appears on the agenda.
- 158 (e) In collaboration with the Vice-Chairperson, Secretary and personnel from  
159 the Oneida Veterans Services Office, shall prepare agendas and handouts,  
160 submit any necessary paperwork to ensure stipends are paid, and perform  
161 other similar administrative functions, all in accordance with these bylaws,  
162 the Boards, Committees and Commissions law, and the Open Records and  
163 Open Meetings law.

164  
165 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of  
166 the Vice-Chairperson are as follows:

- 167 (a) Shall preside over all meetings of the Veterans Affairs Committee in the  
168 absence of the Chairperson and may call emergency meetings.
- 169 (b) Shall have financial sign-off authority as set forth in section 2-6 of these  
170 bylaws.
- 171 (c) In lieu of the Chairperson, shall represent and/or request another Officer  
172 to represent the ONVAC at all regularly scheduled/unscheduled reporting  
173 requirements to the Oneida Business Committee and other business units of  
174 the Nation as may be requested, including, but not limited to, the Oneida  
175 Business Committee meeting in which the ONVAC's quarterly report  
176 appears on the agenda.
- 177 (d) In collaboration with the Chairperson, Secretary and personnel from the  
178 Oneida Veterans Services Office, shall prepare agendas and handouts,  
179 submit any necessary paperwork to ensure stipends are paid, and perform  
180 other similar administrative functions, all in accordance with these bylaws,  
181 the Boards, Committees and Commissions law and the Open Records and  
182 Open Meetings law.



- 184 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
185 Secretary are as follows:
- 186 (a) In the event that both the Chairperson and the Vice-Chairperson positions  
187 become vacant before the end of their terms, shall be allowed to call  
188 meetings of the ONVAC to fill the vacancies and to preside over those  
189 meetings for the sole purpose of conducting an election of new Officers, at  
190 which point the Chairperson, or Vice-Chairperson in the absences of the  
191 Chairperson, shall preside.
- 192 (b) Shall have financial sign-off authority as set forth in section 2-6 of these  
193 bylaws.
- 194 (c) In lieu of both the Chairperson and Vice-Chairperson, shall represent the  
195 ONVAC at all regularly scheduled/unscheduled reporting requirements to  
196 the Oneida Business Committee and other business units of the Nation as  
197 may be requested, including, but not limited to, the Oneida Business  
198 Committee meeting in which the ONVAC's quarterly report appears on the  
199 agenda.
- 200 (d) Shall provide notice of meeting locations, agendas and minutes; prepare  
201 meeting minutes, correspondence, written reports, including the annual,  
202 semi-annual and quarterly reports required by the Boards, Committees and  
203 Commissions law; and perform other duties on behalf of the Veterans  
204 Affairs Committee as scheduled and/or required by a majority vote of the  
205 members at an ONVAC meeting of an established quorum, all in  
206 accordance with these bylaws, the Boards, Committees and Commissions  
207 law, and the Open Records and Open Meetings law.
- 208 (e) In collaboration with the Chairperson, Vice-Chairperson and personnel  
209 from the Oneida Veterans Services Office, shall prepare agendas and  
210 handouts, submit any necessary paperwork to ensure stipends are paid, and  
211 perform other similar administrative functions, all in accordance with these  
212 bylaws, the Boards, Committees and Commissions law, and the Open  
213 Records and Open Meetings law.
- 214
- 215 2-5. *Selection of Officers.* Officers of the Veterans Affairs Committee shall be elected on an  
216 annual basis by a majority vote of the members in attendance at an ONVAC  
217 meeting of an established quorum for terms of one (1) year.
- 218 (a) The election of Officers shall take place within thirty (30) days after the  
219 newly appointed ONVAC members are present at their first scheduled  
220 regular meeting of an established quorum.
- 221 (b) ONVAC members may be dismissed from their Officer position by majority  
222 vote of the members in attendance at an ONVAC meeting of an established  
223 quorum.
- 224 (c) Vacant Officer positions shall be filled by majority vote of the members in  
225 attendance at an ONVAC meeting of an established quorum.
- 226 (d) Members of the ONVAC shall not hold more than one (1) Officer position  
227 per Officer term.
- 228
- 229 2-6. *Budgetary Sign-Off Authority and Travel.* ONVAC shall follow the Nation's policies and  
230 procedures regarding purchasing and sign-off authority.



(a) Levels of budgetary sign-off authority for the ONVAC shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.

(1) All ONVAC Officers shall have sign-off authority.

(2) Two (2) of the ONVAC Officers are required to sign-off on all budgetary requests.

(b) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursements.

(c) ONVAC shall approve a member's request to travel on behalf of ONVAC by a majority vote of the members in attendance at a regular or emergency ONVAC meeting of an established quorum.

2-7. *Personnel.* The Veterans Affairs Committee shall not have authority to hire personnel for its benefit.

(a) ONVAC may receive administrative support from staff within the Oneida Business Committee Support Office and the Oneida Veterans Service Office that is consistent with the Boards, Committees and Commissions law for items such as preparing meeting agendas, documents and minutes; providing notice of meetings, meeting agendas, documents and minutes; recording meetings and meeting minutes; maintaining meeting agendas, documents and minutes; and submitting any necessary paperwork to facilitate stipend payments.

### Article III. Meetings

3-1. *Regular Meetings.* The regular meetings of the Veterans Affairs Committee shall be held every second Tuesday of each month, commencing at 5:00 p.m., in the Veterans Department located at 134 Riverdale Drive in Oneida, Wisconsin.

(a) The meeting date, time and/or place shall be reviewed by the ONVAC and may change from time-to-time by majority vote of the members in attendance at an ONVAC meeting of an established quorum so long as notice is provided to all members in writing and, along with the public, in accordance with governing law, including, but not limited to, the Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(1) Meeting locations shall be within the Reservation boundaries unless notice is provided to all members in writing and, along with the public, consistent with governing law, prior to designating the meeting location.

(b) The ONVAC Officers and personnel from the Oneida Veterans Services Office shall work collaboratively to ensure all members, along with the public, are provided notice of meeting location, agenda, documents and minutes pursuant to these bylaws, as well as the Open Records and Open Meetings law, and that the meeting agenda, documents and minutes are prepared and packaged for the ONVAC members consistent with the Boards, Committees and Commissions law.



- 277 (c) Meetings shall be run in accordance with Robert's Rules of Order and shall  
278 be open to the public per the Open Records and Open Meetings law.  
279

280 3-2. *Emergency Meetings.* An emergency meeting may be called for the purpose of addressing  
281 an emergent need relative to the work of the ONVAC that requires a  
282 determination/decision unable to await until the monthly scheduled meeting  
283 of the ONVAC.

- 284 (a) Within seventy-two (72) hours after an emergency meeting, the ONVAC  
285 shall provide the Nation's Secretary with notice of the emergency meeting,  
286 the reason for the emergency meeting, and an explanation as to why the  
287 matter could not wait until the next regular scheduled meeting.

- 288 (b) Subject to section 2-4(a) of these bylaws, emergency meetings may be  
289 called by any ONVAC Officer upon at least twenty-four (24) hour advance  
290 notice to all members of the Veterans Affairs Committee.

- 291 (1) Notice of an emergency meeting shall be provided to all ONVAC  
292 members via telephone call, as well as by e-mail communication  
293 sent, with a RSVP request, to the official Oneida Nation e-mail  
294 address given to each member to conduct ONVAC business  
295 electronically, and, along with the public, shall further be provided  
296 in accordance with the Open Records and Open Meetings law.

- 297 (2) A quorum must be present at the emergency meeting in order to take  
298 any action.

- 299 (c) Minutes of emergency meetings shall be taken, recorded electronically, and  
300 approved for the record at the next scheduled monthly ONVAC meeting.  
301

302 3-3. *Joint Meetings.* Joint Meetings may be held in the Oneida Business Committee Conference  
303 Room of the Norbert Hill Center as frequently as agreed upon between the  
304 Oneida Business Committee and the ONVAC.

- 305 (a) Notice of the joint meeting agenda, documents and minutes shall be  
306 provided, and the joint meeting conducted, in accordance with resolution  
307 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
308 Boards, Committees and Commissions – Definitions and Impact, as may be  
309 amended from time-to-time hereafter.  
310

311 3-4. *Task Forces and Subcommittees.* Task forces and subcommittees of the ONVAC may be  
312 created and dissolved when necessary so long as in accordance with the  
313 Boards, Committees and Commissions law.

- 314 (a) The Chairperson shall be an ex officio member of all task forces and sub-  
315 committees.

- 316 (b) A task force created by the ONVAC shall dissolve upon either a set date or  
317 acceptance of a final report by the ONVAC at its next scheduled monthly  
318 meeting.

- 319 (1) At a minimum, task forces created by the ONVAC must have  
320 mission or goal statements for completion of tasks.

- 321 (2) Materials generated by the task force shall be forwarded to the  
322 Oneida Business Committee Support Office for proper disposal  
323 within two (2) weeks of dissolution.



- 324  
325 3-5. *Quorum.* All meetings of the ONVAC shall have at least a quorum in attendance,  
326 with quorum being defined as five (5) ONVAC members, one (1) of which  
327 is an ONVAC Officer; provided, the Secretary may only complete a quorum  
328 for meetings called pursuant to section 2-4(a) of these bylaws.
- 329 (a) A quorum shall be established at least five (5) minutes before the scheduled  
330 meeting time.  
331 (1) Failure to establish a quorum will result in rescheduling of the  
332 meeting.  
333
- 334 3-6. *Order of Business.* The order of business shall be:  
335 (a) Call to Order/Opening Ceremony  
336 (b) Approval of Agenda  
337 (c) Approval of Minutes  
338 (d) Task Force and Subcommittee Reports or Reports by Invited Guests  
339 (e) Old Business/Tabled Business  
340 (f) New Business  
341 (g) Veteran Service Officer Report (FYI)  
342 (h) Public Comment (5-minute limit per speaker per subject)  
343 (i) Executive Session  
344 (j) Other Additional Agenda Items and/or Reports by Individual ONVAC  
345 Members  
346 (k) Adjournment  
347
- 348 3-7. *Voting.* Decisions of the ONVAC shall be by majority vote of the members in  
349 attendance at an ONVAC meeting of an established quorum.
- 350 (a) Each of the nine (9) ONVAC members, including the Chairperson, shall  
351 be entitled to one (1) vote on each matter submitted to a vote of the ONVAC.
- 352 (b) E-polls are permissible so long as conducted in accordance with the Boards,  
353 Committees and Commissions law.
- 354 (1) The Vice-Chairperson shall serve as the Chairperson's designee for  
355 the responsibility of conducting an e-poll in the absence or  
356 discretion of the Chairperson.  
357

#### 358 **Article IV. Expectations**

##### 359 4-1. *Behavior of Members.*

- 360 (a) Members of the ONVAC shall present and conduct themselves in a  
361 professional manner when acting in their official capacity as members of  
362 the ONVAC by, among other actions, speaking in a respectful and  
363 courteous manner to ONVAC members, as well as non-members, and  
364 dressing in appropriate attire when attending meetings and/or other  
365 ONVAC events.
- 366 (b) No member shall act independently of the ONVAC, on behalf of the  
367 ONVAC, or express and/or represent views of the ONVAC without its  
368 specific approval as established by a majority vote of the members present  
369 at an ONVAC meeting of an established quorum.



- (c) Members shall prepare for and attend all meetings of the ONVAC unless excused in accordance with these bylaws.
- (d) Members shall comply with these bylaws and all other laws and/or policies of the Nation
- (e) *Enforcement.* Any action by a member contrary to the above shall be discussed at the next ONVAC regularly scheduled monthly meeting or emergency meeting and appropriate warnings and/or actions may be taken by the ONVAC as agreed upon by a majority vote of the ONVAC members in attendance at the monthly or emergency meeting of an established quorum, including, but not limited to:
  - (1) That the ONVAC may make a recommendation to the Oneida Business Committee for termination of the member's appointment in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.
  - (2) That the ONVAC may discipline the member in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* ONVAC members are prohibited from participating in or committing any intentional acts of violence that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person or damage to property. No intentional act of violence will be tolerated and/or accepted by any member of the ONVAC while acting in an official capacity as a member of the ONVAC.

4-3. *Drug and Alcohol Use.* ONVAC members shall not use any alcohol, illegal drugs or legal drugs, other than as prescribed/directed, while acting in their official capacity as members of the ONVAC.

4-4. *Social Media.* Expectations for use of social media is for official business of the ONVAC

- (a) While engaged in social media activities, no member shall use his or her status on the ONVAC for individual gain or purpose.
- (b) Members of the ONVAC shall comply with the Oneida Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the ONVAC.

4-5. *Conflict of Interest.* ONVAC members shall comply with all laws and policies of the Nation governing conflicts of interest.

- (a) Members on the ballot for an Officer position with the ONVAC shall recuse themselves from voting on the position for which they are running to fill.

## **Article V. Stipends and Compensation**

5-1. *Stipends.* ONVAC members shall be eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-



D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to time-hereafter:

- (a) One (1) meeting stipend per month, provided that:
  - (1) A quorum was established;
  - (2) The meeting of the established quorum lasted for at least one (1) hour; and
  - (3) The member collecting the stipend was physically present for the entire meeting.
- (b) A stipend for attending a duly called joint meeting between the ONVAC and the Oneida Business Committee, provided that:
  - (1) A quorum was established by the ONVAC;
  - (2) The joint meeting lasted for at least one (1) hour; and
  - (3) The ONVAC member collecting the stipend was physically present for the entire joint meeting.
- (c) For attending a conference or training, provided that:
  - (1) The member attended a full day of training or was present at the conference for a full day; and
  - (2) The member's attendance at the training or conference was required by law, bylaws or resolution.
- (d) A stipend for attending a Judiciary hearing if the member's attendance at the Judiciary hearing was required by official subpoena.
- (e) Task force and subcommittee members shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

5-2. *Compensation.* Besides travel, per diem and business expense reimbursements authorized by the Boards, Committees and Commissions law, ONVAC members shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the ONVAC.

## **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be consistently maintained in the format identified in Article III, section 3-6 of these bylaws as the Order of Business.

6-2. *Minutes.* Meeting minutes of the ONVAC shall be typed in a consistent format provided by the Oneida Business Committee Support Office to generate the most informative record of all meetings of the ONVAC.

- (a) The minutes shall provide a summary of the action(s) taken by the ONVAC during the meeting that includes the decision, any motions and/or amendments, the vote and any other pertinent information that would lend to the record.
- (b) Minutes shall be submitted to the Oneida Business Committee Support Office within thirty (30) days of their approval by the ONVAC.

6-3. *Attachments.* All meeting handouts, reports, memorandum and the like shall be attached to the minutes and agenda to be maintained as a packet upon submission to the Oneida Business Committee Support Office.



- 462  
463 6-4. *Oneida Business Committee Liaison.* All three (3) Officers of the ONVAC shall be made  
464 aware of the need to meet with the Oneida Business Committee member  
465 who is ONVAC's designated liaison and any and/or all of the Officers may  
466 meet with the liaison on an as-needed basis, the frequency and format of  
467 which may be as agreed upon between the liaison and the Officers so long  
468 as no less than as required by law or policy on reporting developed by the  
469 Oneida Business Committee or Oneida General Tribal Council.  
470 (a) The purpose of the liaison relationship is to uphold the ability of the liaison  
471 to act as support to the ONVAC.

- 472  
473 6-5. *Audio Recordings.* All meetings of the ONVAC shall be audio recorded using a recording  
474 device approved of and/or supplied by the Oneida Business Committee  
475 Support Office.  
476 (a) Audio recordings shall be maintained by the Oneida Business Committee  
477 Support Office in accordance with the Open Records and Open Meetings  
478 law.  
479 (b) *Exception.* Audio recordings of executive session portions of a meeting  
480 shall not be recorded.

481  
482 **Article VII. Amendments.**

- 483 7-1. *Amendments.* The Veterans Affairs Committee, upon written notice, may at any of its  
484 regular meetings, by a majority vote of the members present at a meeting of  
485 an established quorum, amend or repeal these bylaws, provided that, the  
486 amendment or repeal has been submitted in writing at the previous regular  
487 meeting.  
488 (a) Any amendments to these bylaws shall conform to the requirements of the  
489 Boards, Committees and Commissions law and any other policy of the  
490 Nation.  
491 (b) All amendments and/or repeals of these bylaws shall be approved by the  
492 Oneida Business Committee prior to implementation.  
493 (c) These bylaws shall be reviewed on an annual basis.

494  
495 These bylaws, as amended and revised, are hereby adopted by the Oneida Nation Veterans Affairs  
496 Committee at a duly called meeting on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

497 \_\_\_\_\_  
498 James D. Martin, Chairman  
499 Oneida Nation Veterans Affairs Committee

500  
501 And approved by the Oneida Business Committee at a duly called meeting held on this \_\_\_\_\_  
502 day of \_\_\_\_\_ 2019, by the Secretary of the Oneida Business Committee's signature.

503 \_\_\_\_\_  
504 Lisa Summers, Tribal Secretary  
505 Oneida Business Committee





## Oneida Nation Veterans Affairs Committee Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

| REQUESTER:<br>Legislative<br>Reference Office                 | SPONSOR:<br>Jennifer Webster   | DRAFTER:<br>Kristen M. Hooker | ANALYST:<br>Maureen Perkins |
|---|--|-------------------------------|-----------------------------|
| Complies with<br>Boards,<br>Committees and<br>Commissions Law | These amendments comply with the Oneida Business Committee (OBC) directive established by resolution BC-09-26-18-C that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and Tribal corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited <i>[1 O.C. 105.10]</i> .   |                               |                             |
| Intent of the<br>Bylaws                                       | The bylaws provide a framework for the operation and management of the Oneida Nation Veterans Affairs Committee (ONVAC) to govern the standard procedures regarding the way the committee conducts its affairs, including: the appointment of persons to the committee, the membership qualifications, duties and responsibilities of both members and officers, terms and filling vacancies of members, selection of officers, establishment of expectations of members, maintenance of official records, stipends, termination process, required training and how the bylaws are amended.  |                               |                             |
| Purpose   | It is the purpose of the ONVAC to serve as an advisory body to the Oneida Veterans Service Office in all matters related to Oneida Nation veteran's rights and benefits and veteran's affairs issues, and to protect the honor and integrity of the Oneida Tribe and all veterans who served honorably in the United States Armed Forces. The ONVAC provides advice and constructive input to the Veterans Service Office Director on all veterans' affairs issues to assist the office with formulating veteran services and programs for the Oneida Veterans. The ONVAC coordinates veteran events with the assistance of the Veterans Service Office and other organized groups that are representatives of Oneida Veterans and the Oneida Nation <i>[Proposed Bylaws 1-3(a)]</i> . |                               |                             |
| Related Legislation   | Oneida Nation Constitution, Boards, Committees and Commissions law, Travel and Expense Policy, Conflict of Interest law, Social Media Policy, Computer Resources Ordinance, Open Records and Open Meetings law   |                               |                             |
| Enforcement/Due<br>Process                                    | An ONVAC member is appointed to serve at the discretion of the OBC. Upon the recommendation of a member of the OBC or by majority vote of the ONVAC, a member of the ONVAC may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC is required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal <i>[1 O.C. 105-7.4]</i> .   |                               |                             |
| Public Meeting  | Public meetings are not required for bylaws.   |                               |                             |
| Fiscal Impact   | A fiscal impact statement is not required for bylaws.  |                               |                             |



**SECTION 2. BACKGROUND**

- A. The ONVAC bylaws amendments were added to the active files list on September 6, 2017, with Jennifer Webster as the sponsor.
- B. The ONVAC was created by motion of the OBC on January 12, 1994, and by adoption of the bylaws on October 29, 1997, which were most recently amended on February 13, 2013.

**SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

- A. The bylaws comply with the Boards, Committees and Commissions law.
- B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar amounts and eligibility requirements of stipends.
- C. The bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

**SECTION 4. AMENDMENTS**

This section details the changes to the bylaws from the previously adopted bylaws.

**A. ARTICLE I. AUTHORITY**

- a. The resignation process has changed in accordance with the Boards, Committees and Commissions law [1 O.C. 105.6-2(d)]. Resignations are now accepted:
- Verbally and accepted by motion at a meeting; or
  - By delivering a written resignation to the Business Committee Support Office (BCSO) and the ONVAC Chairperson or Chairperson’s designee [Proposed Bylaws 1-5(a)(1)(B)].
- b. A provision was added that the Chairperson will make a recommendation to fill vacancies on behalf of the ONVAC [Proposed Bylaws 1-5(c)(1)]. This is optional in the Boards, Committees and Commissions law [1 O.C. 105. 7-1(b)(1)].
- c. The qualification section has changed to include the requirement of being a resident of Brown or Outagamie Counties [Proposed Bylaws 1-5(d)(2)].
- d. The Boards, Committees and Commissions law authorizes the ONVAC to recommend a member’s appointment be terminated by the OBC [1 O.C. 105.7-4]. Recommendation for a members’ termination of appointment must be by majority vote of the ONVAC at a meeting with an established quorum for the following reasons [Proposed Bylaws 1-6(a)]:
- Failure to comply with bylaws or any other law or policy of the Nation; and
  - Three (3) un-excused absences in one year.
  - A provision was added defining an un-excused absence as failure to notify an ONVAC Officer, in writing, of his or her pending absence no less than thirty (30) minutes before the scheduled meeting [Proposed Bylaws 1-6(a)(2)(A)].
- e. A provision was added that recommendations to the OBC for termination of an ONVAC member’s appointment must be determined by a majority vote of the members in attendance at an ONVAC meeting with an established quorum [Proposed Bylaws 1-6(b)].
- f. A trainings and conferences section has been added to the bylaws [Proposed Bylaws 1-7] to comply with the Boards, Committees and Commissions law [1 O.C. 105.10-3(7)]. The ONVAC will require participation in trainings or conferences by majority vote at a meeting with a quorum. Additionally, each member of the ONVAC will only be allowed to receive stipends for five (5) full days of training regardless of how many days of training are mandated by the ONVAC [Proposed Bylaws 1-7(a)].

**B. ARTICLE II. OFFICERS AND ADMINISTRATIVE SUPPORT**



- a. A provision was added to requiring the Chairperson or designee to submit all required reports to the General Tribal Council and the OBC [*Proposed Bylaws 2-2(c)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-2 and 12-4*].
- b. Provisions were added to require the Chairperson, or Vice-Chairperson or Secretary at the Chairperson's discretion, to attend all regularly scheduled/unscheduled reporting requirements, including OBC meetings, where the ONVAC reports are on the agenda [*Proposed Bylaws 2-2(d) and 2-3(c) and 2-4(c)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3*].
- c. A provision was added that if both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms; the Secretary shall call and preside over a meeting until a new Chairperson and Vice-Chairperson is elected at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside [*Proposed Bylaws 2-4(a)*]. In this instance the Secretary's presence can be used to constitute quorum [*Proposed Bylaws 3-4*].
- d. A provision was added that the Secretary will provide notice of meetings, agenda and minutes and prepare correspondence and written reports and perform duties on behalf of the Committee as assigned by majority vote of the ONVAC at an ONVAC meeting with an established quorum [*Proposed Bylaws 2-4(d)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*] and the Open Records and Open Meetings law [*1 O.C. 107.15*].
- e. Provisions were added that officers may be dismissed from their position and vacant officer positions will be filled by a majority vote at an established meeting with a quorum, and members of the ONVAC can only hold one officer position at a time [*Proposed Bylaws 2-5(b) and (c)*].
- f. The budgetary and sign-off authority levels have increased. Previous levels were \$3,000 budgeted and \$1,000 unbudgeted for both the Chairperson and the Vice-Chairperson [*Current Bylaws 2-1(a) and (b)*].
  - The ONVAC will use levels for budgetary sign-off authority in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manual for Area Directors/Enterprise Directors. All ONVAC Officers will have sign-off authority and two (2) Officers must sign-off on budgetary requests, including stipends and expenses. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursements [*Proposed Bylaws 2-6(b)*].
    - i. Although not applicable to the ONVAC; the ONVAC will follow the budgetary sign-off levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manual for Area Directors/Enterprise Directors, page 217, which includes the following levels of sign-off authority:
      1. Budgeted items with three bids for items between \$3,000 and \$10,000;
      2. Unbudgeted items between \$1,000 and \$5,000; and
      3. Budgeted but sole source items between \$1,000 and \$5,000.
  - All travel must be authorized by two (2) Officers [*Proposed Bylaws 2-6(a)(2)*] in accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through majority vote of a quorum of the ONVAC in attendance at a regular or emergency ONVAC meeting [*Proposed Bylaws 2-6(c)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*]. The ONVAC members may travel in the Nation's



vehicles when certified and must follow the Vehicle Driver Certification and Fleet Management law [2 O.C. 210].

- g. A provision was added clarifying that the ONVAC does not have authority to hire personnel for the benefit of the ONVAC. The current bylaws are silent regarding personnel. Additionally, the BCSO was added to the bylaws to assist the ONVAC with administrative duties [Proposed Bylaws 2-7].

### C. ARTICLE III. MEETINGS

| Meetings in Current Bylaws [Article III]  | Meetings in Proposed Bylaws Amendments [Article III]  |
|---|---|
| <b>Regular Meetings</b> <ul style="list-style-type: none"> <li>Regularly Scheduled –Once Monthly</li> </ul>   | <b>Regular Meetings</b> <ul style="list-style-type: none"> <li>Regularly Scheduled – once monthly</li> </ul>  |
| <b>Emergency Meetings or Special Meetings</b> <ul style="list-style-type: none"> <li>Twenty-Four (24) Hour Notice</li> </ul>  | <b>Emergency Meetings</b> <ul style="list-style-type: none"> <li>Twenty-Four (24) Hour Notice</li> <li>Special Meetings were removed.</li> </ul>  |
| <b>Standing or Special Committee Meetings</b> <ul style="list-style-type: none"> <li>Created by appointment of the Chairperson and meet as often as necessary.</li> <li>Serve until the duties it has been assigned are discharged or a final report is given.</li> </ul> | <b>Task Forces or Sub Committees</b> <ul style="list-style-type: none"> <li>Created as necessary.</li> <li>Created by ONVAC and dissolved on a set date or acceptance of a final report.</li> </ul> |
|   | <b>Joint Meetings</b> <ul style="list-style-type: none"> <li>As frequently as agreed upon with the OBC.</li> </ul>  |

- a. Public notice of meetings collaboratively by the ONVAC Officers and personnel from the Oneida Veterans Services Office was added to the bylaws [Proposed Bylaws 3-1(b) and (c)] in accordance with the Open Records and Open Meetings law [1 O.C. 107.15-1].
- b. A provision was added per the Boards, Committees and Commissions law that the ONVAC will notify the Nation's Secretary within seventy-two (72) hours of holding an emergency meeting with notice and reason for the emergency meeting as well as an explanation of why the matter could not wait for a regular meeting [Proposed Bylaws 3-2(a)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(2)(A)]. Notice of emergency meetings to all members of the ONVAC by official email provided by the Nation and telephone call was added [Proposed Bylaws 3-2(b)(1)]. The minutes for emergency minutes will be taken and approved for the record at the next scheduled monthly ONVAC meeting [Proposed Bylaws 3-2(c)].
- c. The bylaws contain joint meetings with the OBC [Proposed Bylaws 3-3] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(3)]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled "Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact".
- The agenda will be agreed upon by the ONVAC Chairperson upon the ONVAC approval and the OBC liaison with OBC approval;
- The BCSO will provide all parties the agenda, meeting packet and meeting notes;
- No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the ONVAC, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the ONVAC;
- The Chairperson of the ONVAC will facilitate the meeting;
- Formal motions to call the meeting to order, take action or adjourn are unnecessary; and
- Actions will be requested by consensus of both bodies.
- d. Special meetings were removed [Current Bylaws 3-2].



- 124 e. Standing and Special Committees were changed to Task Forces and Subcommittees  
125 *[Proposed Bylaws 3-4]* in accordance with the Boards, Committees and Commissions law  
126 *[1 O.C. 105.3-1(p) and (r)]*.  
127     • The duty of the Chairperson to appoint task force and subcommittee members  
128     was removed *[Current Bylaws 3-4]*.  
129 f. The timeframe to establish a quorum was changed from thirty (30) minutes before a  
130 meeting to five (5) minutes before a meeting *[Proposed Bylaws 3-5(a)]*.  
131 g. The voting requirements have changed. The Chairperson is now allowed to cast a vote  
132 *[Proposed Bylaws 3-7(a)]*. E-polls are permissible with the Vice-Chairperson as the  
133 designee responsible for conducting e-polls in the absence or discretion of the Chairperson  
134 *[Proposed Bylaws 3-7(b)]* and must be conducted in accordance with the Boards,  
135 Committees and Commissions law *[1 O.C. 105.10-3(c)(6)(C) and (D) and 105.11]*.  
136 Telephone voting was eliminated *[Current Bylaws 3-6]*.  
137

#### 138 D. ARTICLE IV. EXPECTATIONS

139 This section is new to these bylaws based on the requirements established in the Boards, Committees  
140 and Commissions law *[1 O.C. 105.10-3(d)]*.

- 141 a. Behavioral requirements were added to govern members when acting in an official capacity  
142 of the ONVAC *[Proposed Bylaws 4-1]*. This complies with the Boards, Committees and  
143 Commissions law *[1 O.C. 105.10-3(d)]*.  
144 b. Enforcement of behavioral expectations include *[Proposed Bylaws 4-1(e)]*:  
145     • Appropriate warnings and/actions as agreed upon by majority vote of the  
146     ONVAC;  
147     • A recommendation by majority vote of the ONVAC to the OBC to terminate  
148     a members' appointment on the ONVAC; and  
149     • The ONVAC may discipline a member in accordance with any law of the  
150     Nation governing sanctions or penalties for appointed officials.  
151 c. The bylaws include a provision that prohibits intentional acts of violence that inflicts,  
152 attempts to inflict or threatens to inflict emotional or bodily harm or damage to property  
153 while acting in an official capacity as a member of the ONVAC *[Proposed Bylaws 4-2]* in  
154 compliance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(2)]*.  
155 d. Illegal or legal drug (other than prescribed /directed) or alcohol use by an ONVAC member  
156 when acting in an official capacity is prohibited *[Proposed Bylaws 4-3]* in compliance with  
157 the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(3)]*.  
158 e. The bylaws require that no member of the ONVAC, while engaged in social media  
159 activities, shall use his or her status on the ONVAC for personal gain within his or her  
160 capacity on the ONVAC *[Proposed Bylaws 4-4(a)]*. The ONVAC members shall also  
161 comply with the Nation's Social Media Policy and their oath of office when using social  
162 media while acting on behalf or as a representative of the ONVAC *[Proposed Bylaws 4-*  
163 *4(b)]* in compliance with the Boards, Committees and Commissions law *[1 O.C. 105.10-*  
164 *3(d)(4)]*.  
165 f. The bylaws require the ONVAC to abide by the Nation's Conflict of Interest law *[2 O.C.*  
166 *217]* and the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(5) and*  
167 *105.15]* which includes disclosure of conflicts of interest annually. Additionally, members  
168 on the ballot for an officer position must recuse themselves and may not vote for their own  
169 positions *[Proposed Bylaws 4-5(a)]*.  
170

#### 171 E. ARTICLE V. STIPENDS AND COMPENSATION



- 172 a. This section provides a list of eligible stipends members of the ONVAC are eligible to  
173 receive and requirements that must be met to qualify for a stipend in compliance with  
174 Resolution BC-05-08-19-B regarding stipends [*Proposed Bylaws 5-1*]:
- 175 • One regular meeting stipend per month;
  - 176 • Stipends for duly called joint meetings with the OBC; and
  - 177 • Conference or training stipends provided that:
    - 178 i. A full day of training is required to receive a training stipend.
    - 179 ii. Attendance was required by bylaws, law or resolution.
    - 180 i. The proposed bylaws state that training can be mandated by
    - 181 the ONVAC Chairperson or a majority of the members in
    - 182 attendance at an ONVAC meeting deemed necessary to
    - 183 maintain knowledge, skills and abilities required to perform
    - 184 duties. Additionally, each of the ONVAC members is only
    - 185 eligible to receive a stipend for up to five (5) full days of
    - 186 training per year [*Proposed Bylaws 1-7(a)*].
  - 187 • A provision was added acknowledging that task forces and subcommittees will
  - 188 only be eligible for a stipend if an exception is made by the OBC or the General
  - 189 Tribal Council [*Proposed Bylaws 5-1(e)*] in accordance with the Boards,
  - 190 Committees and Commissions law [*1 O.C. 105.13-10*].
  - 191 • A provision was added clarifying that travel, per diem and business expense
  - 192 reimbursements in the Boards, Committees and Commissions law or any other
  - 193 law of the Nation are the only compensation available to ONVAC members
  - 194 [*Proposed Bylaws 5-2*]. ONVAC members may travel in the Nation's vehicles
  - 195 when certified and must follow the Vehicle Driver Certification and Fleet
  - 196 Management law [*2 O.C. 210*].
  - 197

#### 198 F. ARTICLE VI. RECORDS AND REPORTING

- 199 a. The ONVAC will use the minutes format provided by the BCSO and approved by the  
200 ONVAC. The ONVAC will submit minutes to the BCSO within 30 days of their approval  
201 by the ONVAC [*Proposed Bylaws 6-2*]. This complies with the Boards, Committees and  
202 Commissions law [*1 O.C. 105.10-3(f)*].
- 203 b. The BCSO will maintain all meeting packets including agenda, minutes, and all  
204 attachments [*Proposed Bylaws 6-3*] in accordance with the Open Records and Open  
205 Meetings law [*1 O.C. 107.6-2*].
- 206 c. Regular communication with the OBC Liaison was added with all three (3) of the ONVAC  
207 Officers being made aware of the need to meet with the liaison as needed. The frequency  
208 and format of the meetings will be agreed upon by the liaison and the ONVAC Officers  
209 [*Proposed Bylaws 6-4*] this complies with the Boards, Committees and Commissions law  
210 [*1 O.C. 105.10-3(f)(4)*].
- 211 d. The ONVAC will audio record meetings and the BCSO will maintain the audio recordings;  
212 executive session is exempt from audio recording requirements [*Proposed Bylaws 6-5*] in  
213 accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*] and  
214 the Open Records and Open Meetings law [*1 O.C. 107.7-3*].
- 215

#### 216 G. ARTICLE VII. AMENDMENTS

- 217 a. A provision was added requiring that amendments follow the Boards, Committees and  
218 Commissions law and any other policy of the Nation [*Proposed Bylaws 7-1*] [*1 O.C.*  
219 *105.10-3(g)*].
- 220

### 221 SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS



There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws that establish requirements related to boards, committees and commissions generally.

- A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida Nation Constitution, Article IV, Section 1(g)*]. There are no conflicts between these bylaws and the Oneida Nation Constitution.
- B. Boards, Committees and Commissions [*1 O.C. 105*]. This law establishes all requirements related to elected and appointed boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and the Nation's corporations. The law governs 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. The ONVAC is appointed by the OBC [*Proposed Bylaws 1-5(a)(1)*]. The requirements for the ONVAC bylaws are contained in this law as well as a requirement that all existing entities of the Nation comply with the format detailed in the law [*1 O.C. 105.10*]. These proposed bylaws comply and there are no conflicts with the Boards, Committees and Commissions law.
- C. Travel and Expense Policy [*2 O.C. 219*]. Members of the ONVAC are eligible to be reimbursed for travel and per diem to attend a conference or training with the ONVAC approval. The BCSO is granted sign-off authority related to travel [*Proposed Bylaws 2-6(b)*] in accordance with this law [*2 O.C. 219.4-2*] and the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*]. Travel must be approved by majority vote of the ONVAC [*Proposed Bylaws 2-6(c)*]. The proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.
- D. Conflict of Interest [*2 O.C. 217*]. This law applies to the ONVAC and establishes specific limitations to which information or materials that are confidential or may be used by a competitor of the Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards, Committees and Commissions law establishes that amended bylaws require members to disclose potential or real conflicts annually [*1 O.C. 105.10-3(d)(5) and 105.15*]. The amended the ONVAC bylaws require the ONVAC to follow all laws of the Nation regarding conflicts of interest. In addition, members must recuse themselves from voting if their name appears on the ballot for an Officer position [*Proposed Bylaws 4-5*]. This aligns with the Conflict of Interest law of the Nation which allows for entities to outline further conflicts and prohibited activities resulting from those conflicts of interest [*2 O.C. 217.7-2*]. Penalties for failure to disclose conflicts of interest include termination of appointment in accordance with the Boards, Committees and Commissions law and enforcement of any penalties in accordance with the laws of the Nation [*2 O.C. 217.6-2 and 6-3*]. The proposed bylaws comply and there are no conflicts between the bylaws and the Conflict of Interest law.
- E. Social Media Policy [*2 O.C. 218*]. This law applies to the ONVAC and regulates the Nation's social media accounts including how content is managed and who has authority to post on social media on behalf of the Nation. Boards, committees and commissions must register social media accounts with the Nation's Secretary's Office to include specific information related to access to the account, acknowledgment and compliance with the Computer Resources Ordinance and this policy, use a Nation issued email address, and ensure all content complies with all applicable laws of the Nation, state or federal laws. The bylaws identify that the ONVAC must comply with the Social Media Policy in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(4)*]. Additionally, the proposed bylaws include a provision that establishes that no ONVAC member will engage in the use of social media for individual gain or purpose while acting



within the official capacity of the ONVAC *[Proposed Bylaws 4-4]*. The proposed bylaws comply and there are no conflicts with the Social Media Policy.

- F. Open Records and Open Meetings *[1 O.C. 107]*. The ONVAC must comply with the Open Records and Open Meetings law. This law details how records must be maintained and made available to the public and details that meetings are open to the public unless specific criteria are met which allow the meetings to be closed *[1 O.C. 107.15 and 107.17]*. Public notice of meetings is also required by this law *[1 O.C. 107.15-1]*. The proposed bylaws state that the ONVAC Officers and personnel from the Oneida Veterans Services Office will work collaboratively to ensure notice of meeting location, agenda, documents and minutes are prepared and packaged for the ONVAC members as well as the public and that meetings shall be open to the public in accordance with this law *[Proposed Bylaws 3-1(a) and (b)]*. The bylaws delegate the maintenance of the records to the BCSO *[Proposed Bylaws 6-2(a)]*. The proposed bylaws comply and there are no conflicts with the Open Records and Open Meetings law.
- G. Vehicle Driver Certification and Fleet Management *[2 O.C. 210]*. BCC's are considered entities *[2 O.C. 210.3-1(g)]* and individual members are considered officials *[2 O.C. 210.3-1(j)]* under this law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources Department or designee to ensure drivers, including BCC members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires BCC members (officials) to have written consent from the BCC they serve on prior to being approved to use a Tribal vehicle *[2 O.C. 210.6-1(b)(2)]*. Certification includes providing the Human Resources Department with the appropriate license, training certifications, and insurance information *[2 O.C. 210.8-1]*. Additionally, BCC members must abide by all reporting requirements in this law *[2 O.C. 210.9-2]*.
- a. BCC members who violate this law may be subject to:
    - i. any laws regarding sanctions or penalties; and
    - ii. termination of appointment following the Boards, Committees and Commissions law *[1 O.C. 105]*.



# Oneida Nation Veterans Affairs Committee By-Laws



**Proud Warrior**



**ONEIDA NATION  
VETERANS AFFAIRS  
COMMITTEE**

**MISSION STATEMENT**

**Our Mission is to provide quality service and assistance in the delivery of entitlement and benefits due to our Oneida Veterans and their families.**

**We are the principal advocate for Veterans and their families and we accept the responsibility to protect the integrity of the Veterans Community.**



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## Oneida Nation Veterans Affairs

### Committee By-Laws

#### Article I. Authority

- 1-1. *Name.* The name of this committee shall be the Oneida Nation Veterans Affairs Committee and may be referred to as the Veterans Affairs Committee or abbreviated "ONVAC."
- 1-2. *Authority.* This entity was created by the Oneida Business Committee by motion on January 12, 1994 and by adoption of these By-laws on October 29, 1997, which were amended on February 13, 2013.
- 1-3. *Purpose.* It is the purpose of the Veterans Affairs Committee to serve as an advisory body to the Oneida Veterans Service Office in all matters related to Oneida Tribe veteran's rights and benefits and veterans affairs issues, and to protect the honor and integrity of the Oneida Tribe and all veterans who served honorably in the United States Armed Forces. It shall be the purpose of the Veterans Affairs Committee to provide advice and constructive input to the Veterans Service Office Director on all veterans' affairs issues in order that the office can formulate veteran services and programs for the Oneida Veterans. ONVAC coordinates veteran events with the assistance of the Veterans Service Office and other organized groups that are representatives of Oneida Veterans and the Oneida Tribe.
- 1-4. *Office.* The official mailing address of this entity shall be:

Oneida Nation Veterans Affairs Committee  
P.O. Box 365  
Oneida, Wisconsin 54155
- 1-5. *Membership.*
  - A) *Qualifications.* The Veterans Affairs Committee shall be made up of members of the Oneida Tribe of Indians of Wisconsin who have served honorably on active duty in the United States Armed Forces. Qualifications shall also include the following:
    - a) *Honorable Service.*
      - i) A person who, served on active duty in one of the military branches of the United States Armed Forces and received an honorable discharge from active duty service.
      - ii) Active duty is having served one hundred eighty-one (181) days or more of continuous active duty unless discharged early, with less than one hundred eighty-one (181) days active duty, because of a service connected disability.



- iii) Served as a member of the Selected Reserve and completed at least six (6) years in the Reserves or National Guard, or was discharged early because of a service connected disability.
- b) Shall be a citizen in good standing in the Oneida Community.
- B) *Number of members.* The Veterans Affairs Committee shall consist of nine (9) members.
- C) *How appointed.* Members of the Veterans Affairs Committee shall be appointed by the Oneida Business Committee for a period of three (3) years. Terms shall be staggered. The Tribal Secretary's Office shall forward copies of all applications under consideration to the Veterans Affairs Committee. ONVAC shall return all applications and submit the name of a candidate whom they recommend to the Tribal Chairperson, within thirty (30) days after receiving the applications from the Tribal Secretary's Office.
- D) *How vacancies are filled.* In case of a vacancy(ies) due to death, termination of appointment or resignation, the vacancy shall be filled by the Oneida Business Committee.
- E) *Unexcused absences, resignation.* Three (3) un-excused absences of a member may result in the member's appointment to the Veterans Affairs Committee being terminated in accordance with the Comprehensive Policy Governing Boards, Committee and Commissions. An excused absence shall be determined by the Veterans Affairs Committee on the basis of the effect the member's absence has had on the purpose and policy of the Veterans Affairs Committee. Resignations shall be submitted in writing to the Veterans Affairs Committee.
- F) No member shall act independent of the Veterans Affairs Committee.

## **Article II. Officers and Administrative Support**

2-1. *Officers.* On an annual basis, ONVAC shall elect from among themselves a Chairperson, Vice-Chairperson and Secretary.

### *A) Duties of Officers.*

- a) *Chairperson.*
  - i) Shall preside over all meetings of the Committee
  - ii) Shall have sign off authority for \$3,000 / \$1,000 budgeted/unbudgeted.
- b) *Vice-Chairperson*
  - i) Shall preside over all meetings in the absence of the Chairperson.
  - ii) Shall have sign off authority for \$3,000 / \$1,000 budgeted/unbudgeted if the Chairperson is absent.
- c) *Secretary*
  - i) Shall assist with preparing the agenda in accordance with 2-2.
  - ii) Shall prepare meeting minutes in accordance with 2-2.

2-2. The Chairperson and/or Secretary, in collaboration with the personnel from the Veterans Services Office, shall prepare agendas and minutes, submit any necessary paperwork to ensure stipends are paid, and perform other similar administrative functions.



**Article III. Meetings**

- 3-1. *Regular Meetings.* The regular meeting of the Veterans Affairs Committee shall be held every second Tuesday of each month at 5:00 p.m. The Chairperson and the personnel from the Veterans Services Office shall work collaboratively to ensure notice of meeting location, agenda, and materials are forwarded to the ONVAC members. Meetings shall be run in accordance with Robert's Rules of Order and shall be public meetings in accordance with the Open Records and Open Meetings law. The physical meeting place shall be determined by ONVAC and may change from time to time as determined by ONVAC but shall be within the Reservation boundaries unless the membership is given proper notice.
- 3-2. *Standing and Special Committees Meetings.* Standing and special committees shall be created by appointment of the Chairperson and shall meet as often as necessary. The Chairperson shall be an ex officio member of all standing and special committees. Standing and special committees shall serve until the duties it has been assigned are discharged, or a final report is given.
- 3-3. *Emergency or Special Meetings.* Emergency or special meetings may be called by the Chairperson with at least twenty-four (24) hour notice to all members of the Veterans Affairs Committee.
- 3-4. *Quorum.* A quorum shall consist of five (5) members which shall include the Chairperson or Vice-Chairperson and shall be established within thirty (30) minutes of the identified meeting time. Failure to establish a quorum shall result in rescheduling of the meeting.
- 3-5. *Order of Business.* The order of business shall be:
- A) Call to Order / Opening Ceremony
  - B) Approval of Agenda
  - C) Approval of Minutes
  - D) Standing and Special Committee Reports
  - E) Old Business/Tabled Business
  - F) New Business
  - G) Public Comment (5 minute limit per speaker)
  - H) Executive Session
  - I) Adjournment
- 3-6. *Voting.* Each member shall have one (1) vote, provided that the Chairperson shall vote only in case of a tie. Telephone voting may be allowed if all members of ONVAC are contacted, a majority of the entire membership approves the request and the action is ratified at the next regular ONVAC meeting.

**Article IV. Reporting**

- 4-1. *Format.* Agenda and minutes shall be compiled based upon the Order of Business identified in Article III, section 3-5. All decisions, any motions and/or amendments along with the vote and any other pertinent information that will lend to the record of the



meeting are to be recorded. The Chairperson and/or Secretary shall work with the personnel from the Veterans Services Office to ensure this information is submitted as required.

4-2. *Reporting.* Reports shall be provided to the Oneida Business Committee on the schedule and format identified by the Board Liaison or the Tribal Secretary's Office.

4-3. *Travel and Reimbursement.*

A) All individuals and organized groups who request funding from the Veterans Affairs Committee shall provide an itinerary to the Veterans Affairs Committee which includes estimated costs, dates of travel, and purpose of travel. Upon return, a report shall be submitted to the Veterans Affairs Committee regarding activities and expenses (to include receipts) in accordance with the Oneida Travel and Expense Policy. Travel sponsorship under this Article is limited to activities related to veterans that are endorsed by the Veterans Affairs Committee.

B) Veterans Affairs Committee members may be reimbursed for normal business expenses, including mileage, for performing duties as directed by the Oneida Veterans Affairs Committee, if they meet the Tribe's requirements for reimbursement.

#### **Article V. Amendments to By-Laws**

5-1. The Veterans Affairs Committee, upon written notice at any of its regular meetings, may by a majority vote adopt, amend or repeal these By-laws, provided that the proposed adoption, amendment or repeal has been submitted in writing at the previous regular meeting. All such adoptions, amendments and repeals approved shall be implemented upon the subsequent approval of the Oneida Business Committee.

5-2. The By-laws shall be reviewed on an annual basis.

#### **Article VI. Stipends**

6-1. Members of the Veterans Affairs Committee shall be paid a meeting stipend in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions, provided that the meeting has established a quorum for a minimum of one (1) hour and the member collecting the stipend was present for at least one (1) hour of the established quorum.

#### **Article VII. Other Duties and Responsibilities**

7-1. *Color Guard.* The Veterans Affairs Committee is the official color guard of the Oneida Tribe of Indians of Wisconsin. The Veterans Affairs Committee may appoint other endorsed or approved veterans or veteran group(s) in order to fulfill any Oneida Tribe Color Guard requests.

A) *Designate Representatives.* The Veterans Affairs Committee and the Oneida Veterans Service Office shall verify the authenticity of groups or individuals who wish to represent Oneida Tribe Veterans.

7-2. *Financial Requests.* The Veterans Affairs Committee shall be the screening body for individual veterans or veteran groups who are requesting funds from the Oneida Tribe for



various reasons such as: to provide a color guard while representing the Oneida Tribe Veterans at special events; to alleviate a financial hardship; to provide a veteran(s) service or event (such as the Veterans Pow-Wow, seminar, training, etc.); to attend a veteran(s) related project, event, training, seminar, etc. (i.e. military reunion).

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**CERTIFICATION**

These By-laws, as amended and revised, are hereby attested to as adopted by the Oneida Nation Veterans Affairs Committee at a duly called meeting held on the 8th day of January, 2013 by the Chairperson of the Oneida Nation Veterans Affairs Committee's signature.

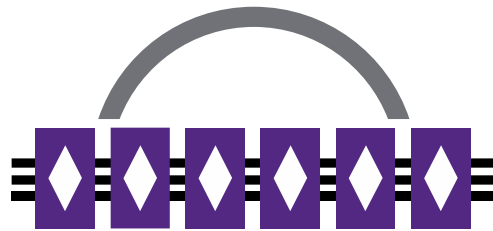
  
Ms. Loretta V. Metoxen, Chairperson  
Oneida Nation Veterans Affairs Committee

And approved by the Oneida Business Committee at a duly called meeting held on the 13<sup>th</sup> day of February 2013, by the Secretary of the Oneida Business Committee's signature.

  
Patricia Hoeft, Tribal Secretary  
Oneida Business Committee



# Oneida Nation Veterans Affairs Committee By-Laws



# ONEIDA

# ONVAC

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For anything not covered by these by-laws, please refer to the  
Oneida Nation Article I. Authority

Title 1-4. Government and Finances – Chapter 105  
BOARDS, COMMITTEES AND COMMISSIONS



|

|



**ONEIDA NATION**  
**VETERANS AFFAIRS**  
**COMMITTEE**

**MISSION STATEMENT**

**Our Mission is to provide quality support service and assistance to our Oneida Veterans and their families.**

**We are the principal advocates for Veterans and their families and we accept the responsibility to protect the integrity of the Veterans Community.**

**We advocate for the Veterans and their families within the Oneida Community by representing their needs and causes as they relate to our Veterans individually and as veterans organizations.**



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## ONEIDA NATION VETERANS AFFAIRS COMMITTEE BYLAWS

### Article I. Authority

1-1. Name.—\_\_\_\_\_ The name of this ~~committee~~ entity shall be the Oneida Nation Veterans Affairs \_\_\_\_\_ Committee and may be referred to as the Veterans Affairs Committee or \_\_\_\_\_ abbreviated “ONVAC-”.

1-2. Authority. ~~This entity is~~ Establishment. ONVAC was created by the Oneida Business Committee by motion on \_\_\_\_\_ January 12, 1994 and ~~by further~~ established through the adoption of these by-laws bylaws on ~~10-~~ October 29-97, 1997, which were amended on February 13, 2013 \_\_\_\_\_ and from time-to-time hereinafter.

~~1-3. Office.~~ The official mailing address of this entity shall be:

### 1-3. Authority.

(a) Purpose. The purpose of the Veterans Affairs Committee is to serve as an advisory body to the Oneida Veterans Service Office (“Office”) in all matters relating to Oneida Nation Veterans’ rights and benefits and veterans’ affairs issues, and to protect the honor and integrity of the Oneida Nation and all veterans who served honorably in the United States Uniformed Services. Among other services, the Veterans Affairs Committee is to provide advice and constructive input to the Oneida Veterans Service Office Director on all veterans’ affairs issues so that the Office can formulate veterans’ services and programs; and to coordinate veterans’ events with the Office and veterans’ organizations that are representatives of Oneida Veterans and the Oneida Nation.

(b) Powers and Duties. The powers of the Veterans Affairs Committee are advisory, with duties that include, but are not limited to, the following:

(1) Supporting the Oneida Veterans Service Office and the Oneida Nation.



Draft (Redline to Current)

(2) Being responsible to the Oneida Business Committee, all Oneida Nation Veterans and their families, and the Oneida Community.

(3) Supporting the Office in the provision and coordination of all veterans services to the Oneida Community and as requested by local, state, federal, other tribal activities and/or events and veterans associations, such as the Color/Honor Guard, funerals, parades, school visits and presentations.

(4) *Color Guard.* The ONVAC is the official Color Guard of the Oneida Nation. The ONVAC may appoint other endorsed or approved veterans or veteran groups in order to fulfill any Oneida Nation requests. This duty may be delegated to the Oneida Veterans Service Officer who also has direct contact with Oneida Veterans and the active veterans' organization.

(A) *Designate Representatives.* The ONVAC and the Oneida Veterans Service Office Director shall verify the authenticity of groups or individuals who wish to represent Oneida Nation Veterans.

(5) *Financial Requests.* The ONVAC shall be the screening body for individual veterans or veteran groups who are requesting funds from the Oneida Nation for various reasons such as: (1) to alleviate a financial hardship; (2) to provide a veterans service or event, such as the Veterans Pow-Wow, a seminar, training or a conference; and (3) to attend a veterans related project, event, training, seminar, and/or some other activity, such as a military reunion.

(6) Responding to and acting upon any other delegated authority established through the laws, policies, rules and resolutions of the Oneida Nation.

1-4. *Office.* The official mailing address of the Veterans Affairs Committee shall be:  
Oneida Nation Veterans Affairs Committee  
ATTN: Veterans Service Office

~~Oneida Nation Veterans Affairs Committee~~

P.O. Box 365

Oneida, Wisconsin 54155

~~The physical~~

1-5. *Membership.*

(a) *Number of Members.* The ONVAC shall consist of nine (9) appointed 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 Boards, Committees and Commissions law.

(A) *Term Expiration.* Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.



Draft (Redline to Current)

(B) *Resignation.* A member may resign at any time verbally at a meeting place shall be or by delivering written notice to the

Oneida

Business Committee Support Office and the ONVAC

Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.

(b) *Appointment.* ONVAC members shall be appointed in accordance with the Boards, Committees and Commissions law for terms of three (3) years.

(1) Terms shall be staggered with appointments to be started on the first day of the year (1/1) and ending on the last day of the year (12/31).

(c) *Vacancies.* Vacancies shall be filled in accordance with the Boards, Committees and Commissions law.

(1) The ONVAC Chairperson shall review application materials and provide the Oneida Business Committee with recommendations on applicants for appointment by the executive session in which appointments are intended to be made.

(d) *Qualifications of Members.* ONVAC members shall meet the following qualifications:

(1) Be an enrolled member of the Oneida Nation.

(2) Be a resident of Brown or Outagamie County, Wisconsin.

(3) Have served on and Honorably Discharged (Form DD-214 Required) from Active Duty in the United States Uniformed Services (Army, Navy, Air Force, Marines, Coast Guard, Public Health Service or National Oceanic and Atmospheric Administration).

(A) Active Duty is defined as having served one hundred and eighty-one (181) days or more of continuous active duty unless discharged early, with less than one hundred and eighty-one (181) days of active duty, because of a service-connected disability.

(4) Have served as a member of the Selected Reserve and completed at least six (6) years in the Reserves or the National Guard or was discharged early because of a service-connected disability.

(5) Be a citizen in good standing in the Oneida Community.

1-6. *Termination.* An ONVAC member's appointment may be terminated by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

(a) The Veterans Affairs Committee may make recommendations to the Oneida Business Committee for the termination of a member's appointment based on the following:

(1) A failure to comply with these bylaws or with any other law and/or policy of the Nation;



Draft (Redline to Current)

- (2) Three (3) un-excused absences from an ONVAC meeting within a period of one (1) year.
- (A) An un-excused absence shall be defined as a failure by a member to notify a Board Officer, in writing, of his or her pending absence no less than thirty (30) minutes before the scheduled meeting.
- (b) Recommendations to the Oneida Business Committee for termination of an ONVAC member's appointment must be ~~determined at the first meeting of this entity~~ by a majority vote of the members in attendance at an ONVAC meeting of an established quorum.

1-7. *Training and Conferences.* ONVAC members shall attend and participate in various trainings and/or conferences that the ONVAC Chairperson or a majority of the members in attendance at an ONVAC meeting of an established quorum deem necessary for members to responsibly serve ONVAC and/or maintain the knowledge, skills and abilities required of them to perform the on-going activities relating thereto.

- (a) Regardless of the number of trainings/conferences that he or she is required to attend, no ONVAC member shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## **Article II. Officers and Administrative Support**

2-1. *Officers.* The Officer positions of the Veterans Affairs Committee shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

- (a) Shall call and preside over all meetings of the Veterans Affairs Committee and appoint members to any task forces or subcommittees of the ONVAC in accordance with section 3-4 of these bylaws.
- (b) Shall have financial sign-off authority as set forth in section 2-6 of these bylaws.
- (c) Shall submit, or through a designee submit, annual and semi-annual reports to the Oneida General Tribal Council, as well as quarterly reports to the Oneida Business Committee, in accordance with the Boards, Committees and Commissions law.
- (d) Shall represent and/or request another Officer to represent the ONVAC at all regularly scheduled/unscheduled reporting requirements to the Oneida Business Committee and other business units of the Nation as may be requested, including, but not limited to, the Oneida Business Committee meeting in which the ONVAC's quarterly report appears on the agenda.
- (e) In collaboration with the Vice-Chairperson, Secretary and personnel from the Oneida Veterans Services Office, shall prepare agendas and handouts.



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submit any necessary paperwork to ensure stipends are paid, and perform other similar administrative functions, all in accordance with these bylaws, the Boards, Committees and Commissions law, and the Open Records and Open Meetings law.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

- (a) Shall preside over all meetings of the Veterans Affairs Committee in the absence of the Chairperson and may call emergency meetings.
- (b) Shall have financial sign-off authority as set forth in section 2-6 of these bylaws.
- (c) In lieu of the Chairperson, shall represent and/or request another Officer to represent the ONVAC at all regularly scheduled/unscheduled reporting requirements to the Oneida Business Committee and other business units of the Nation as may be requested, including, but not limited to, the Oneida Business Committee meeting in which the ONVAC's quarterly report appears on the agenda.
- (d) In collaboration with the Chairperson, Secretary and personnel from the Oneida Veterans Services Office, shall prepare agendas and handouts, submit any necessary paperwork to ensure stipends are paid, and perform other similar administrative functions, all in accordance with these bylaws, the Boards, Committees and Commissions law and the Open Records and Open Meetings law.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

- (a) In the event that both the [KMH1] Chairperson and the Vice-Chairperson positions become vacant before the end of their terms, shall be allowed to call meetings of the ONVAC to fill the vacancies and to preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absences of the Chairperson, shall preside.
- (b) Shall have financial sign-off authority as set forth in section 2-6 of these bylaws.
- (c) In lieu of both the Chairperson and Vice-Chairperson, shall represent the ONVAC at all regularly scheduled/unscheduled reporting requirements to the Oneida Business Committee and other business units of the Nation as may be requested, including, but not limited to, the Oneida Business Committee meeting in which the ONVAC's quarterly report appears on the agenda.
- (d) [KMH2] Shall provide notice of meeting locations, agendas and minutes; prepare meeting minutes, correspondence, written reports, including the annual, semi-annual and quarterly reports required by the Boards, Committees and



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Commissions law; and perform other duties on behalf of the Veterans Affairs Committee as scheduled and/or required by a majority vote of the members at an ONVAC meeting of an established quorum, all in accordance with these bylaws, the Boards, Committees and Commissions law, and the Open Records and Open Meetings law.

(e) In collaboration with the Chairperson, Vice-Chairperson and personnel from the Oneida Veterans Services Office, shall prepare agendas and handouts, submit any necessary paperwork to ensure stipends are paid, and perform other similar administrative functions, all in accordance with these bylaws, the Boards, Committees and Commissions law, and the Open Records and Open Meetings law.

2-5[KMH3]. *Selection of Officers.* Officers of the Veterans Affairs Committee shall be elected on an annual basis by a majority vote of the members in attendance at an ONVAC meeting of an established quorum for terms of one (1) year.

(a)[KMH4] The election of Officers shall take place within thirty (30) days after the newly appointed ONVAC members are present at their first scheduled regular meeting of an established quorum.

(b)[KMH5] ONVAC members may be dismissed from their Officer position by majority vote of the members in attendance at an ONVAC meeting of an established quorum.

(c) Vacant Officer positions shall be filled by majority vote of the members in attendance at an ONVAC meeting of an established quorum.

(d) Members of the ONVAC shall not hold more than one (1) Officer position per Officer term.

2-6[KMH6]. *Budgetary Sign-Off Authority and Travel.* ONVAC shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the ONVAC shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.

(1) All ONVAC Officers shall have sign-off authority.

(2) Two (2) of the ONVAC Officers are required to sign-off on all budgetary requests.

(b)[KMH7] The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursements.

(c) ONVAC shall approve a member's request to travel on behalf of ONVAC by a majority vote of the members in attendance at a regular or emergency ONVAC meeting of an established quorum.



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~~2-7~~<sup>[KMH8]</sup>. *Personnel.* The Veterans Affairs Committee shall not have authority to hire personnel for its benefit.

(a) ONVAC may receive administrative support from staff within the Oneida Business Committee Support Office and the Oneida Veterans Service Office that is consistent with the Boards, Committees and Commissions law for items such as preparing meeting agendas, documents and minutes; providing notice of meetings, meeting agendas, documents and minutes; recording meetings and meeting minutes; maintaining meeting agendas, documents and minutes; and submitting any necessary paperwork to facilitate stipend payments.

### **Article III. Meetings**

3-1. ~~Regular Meetings~~<sup>[KMH9]</sup>. The regular meetings of the Veterans Affairs Committee shall be held every second Tuesday of each month, commencing at 5:00 p.m., in the Veterans Department located at 134 Riverdale Drive in Oneida, Wisconsin.

(a) The meeting date, time and/or place shall be reviewed by the ONVAC and may change from time to time as determined by the entity but shall be within the reservation to time by majority vote of the members in attendance at an ONVAC meeting of an established quorum so long as notice is provided to all members in writing and, along with the public, in accordance with governing law, including, but not limited to, the Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(1) Meeting locations shall be within the Reservation boundaries unless ~~noticed to the membership~~ notice is provided to all members in writing and, along with the public, consistent with governing law, prior to designating the meeting location.

#### ~~1-4. Membership.~~

~~a. Qualifications.~~ The Veterans Affairs Committee will be made up of members of the Oneida Tribe of Indians of Wisconsin who have served honorably on active duty in the Armed Forces of the United States of America. Qualifications shall also include the following—

##### ~~1. Honorable Service.~~

~~A. A person who has been inducted into, or voluntarily entered, active duty in one of the service branches of the Armed Forces of the United States of America and who did not receive a discharge from active duty with that branch of the Armed Forces of the United States of America due to “less than honorable conditions.”~~

~~B. Active duty is having served 181 days or more of continuous active duty unless discharged early, with less than 181 days active duty, for a service-connected disability.~~



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~~C. Served as a member of the Selected Reserve and who has completed at least six years in the Reserves or National Guard, or who was discharged early because of a service connected disability.~~

~~2. Shall be a citizen in good standing in the Oneida Community.~~

~~b. Number of members. The Veterans Affairs Committee shall consist of nine members.~~

~~(b) c. How elected or appointed. Members of the Veterans Affairs Committee shall be appointed by~~ The ONVAC Officers and personnel from the Oneida Veterans Services Office shall work collaboratively to ensure all members, as well as the public, are provided notice of meeting location, agenda, documents and minutes pursuant to the Open Records and Open Meetings law and that the meeting agenda, documents and minutes are prepared and packaged for the ONVAC members consistent with the Boards, Committees and Commissions law.

~~(c) Meetings shall be run in accordance with Robert's Rules of Order and shall be open to the public per the Open Records and Open Meetings law.~~

3-2. *Emergency [KMH10] Meetings.* An emergency meeting may be called for the purpose of addressing an emergent need relative to the work of the ONVAC that requires a determination/decision unable to await until the monthly scheduled meeting of the ONVAC.

(a) Within seventy-two (72) hours after an emergency meeting, the ONVAC shall provide the Nation's Secretary with notice [KMH11] of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular scheduled meeting.

(b) Subject to section 2-4(a) of these bylaws, emergency meetings may be called by any ONVAC Officer upon at least twenty-four (24) hour advance notice to all members [KMH12] of the Veterans Affairs Committee.

(1) [KMH13] Notice of an emergency meeting shall be provided to all ONVAC members via telephone call, as well as by e-mail communication sent, with a RSVP request, to the official Oneida Nation e-mail address provided to each member to conduct ONVAC business electronically, and along with the public, shall further be provided in accordance with the Open Records and Open Meetings law.

(2) A quorum must be present at the emergency meeting in order to take any action.

(c) Minutes of emergency meetings shall be taken, recorded electronically, and approved for the record at the next scheduled monthly ONVAC meeting.

[KMH14]

3-3. *Joint Meetings.* Joint Meetings may be held in the Oneida Business Committee for a period of three years. Terms shall be staggered.



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~~d. How vacancies are filled. In case of vacancy(ies) due to death, removal or resignation, the vacancy shall be filled by \_\_\_\_\_ Conference Room of the Norbert Hill Center as frequently as agreed upon \_\_\_\_\_ between the Oneida Business Committee and \_\_\_\_\_ the ONVAC.~~

~~e. Un-excused absences, resignation. Three un-excused absences of a members shall result in removal from the Veterans Affairs Committee in accordance with the Removal Law. An excused absence shall be determined by the Veterans Affairs Committee on the basis of the effect the member's absence has had on the purpose and policy of the Veterans Affairs Committee. Resignations shall be submitted in writing to the Veterans Affairs Committee and are effective upon submission.~~

## **Article II. Officers**

~~2-1. Officers. This entity shall have four officers — Chairperson, Vice Chairperson, Secretary and Treasurer.~~

~~2-2. Chair duties. The Chairperson shall preside over all regular and special meetings, and appoint committees.~~

~~2-3. Vice Chair duties. The Vice Chairperson shall preside at all meetings in the absence of the Chairperson.~~

~~2-4. Secretary duties. The Secretary shall keep accurate minutes of all meetings, both regular and special. Assure that minutes are reported in the proper format. Read and answer all mail abiding by/to the decisions of the Veterans Affairs Committee.~~

~~2-5. Treasurer duties. The Treasurer shall report at each monthly meeting on the financial status of the Veterans Affairs Committee funds. This position may be combined with the Secretary with the majority approval of the Veterans Affairs Committee.~~

~~2-5. How chosen and length of term. The officers shall serve terms of one year and shall be elected by a majority vote at the annual meeting which shall be held in October of each year. Terms of office run from the beginning of November. No officer shall serve for more than three consecutive terms. In the event of a vacancy, the successor shall be appointed by the Veterans Affairs Committee for the duration of the unexpired term.~~

~~2-6. Personnel. The Veterans Affairs Committee does not have the authority to hire personnel for the benefit of the entity.~~

~~2-8. Standing and Special Committees. Standing and special committees shall be \_\_\_\_\_~~

~~(a) [KM15] Notice of the joint meeting agenda, documents and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.~~

[KM16]

~~3-4. [KM17] Task Forces and Subcommittees. Task forces and subcommittees of the ONVAC may be created and dissolved when necessary— so long as in accordance with the Boards, Committees and Commissions law.~~



(b) A task force created by the ONVAC shall dissolve upon either a set date or acceptance of a final report is given by the ONVAC at its next scheduled monthly meeting.

### ~~Article III. Meetings~~

~~3-1. *Regular meetings.* The regular meeting of the Veterans Affairs Committee shall be held every second Tuesday of each month at 5:00 p.m. 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 and shall be public meetings. Executive session of the officers may be called when deemed necessary by the Chairperson.~~

~~3-2. *Emergency meetings.* Emergency or special meetings may be called by the Chairperson with at least 24 hour notice to all members of the Veterans Affairs Committee.~~

3-3. (1) At a minimum, task forces created by the ONVAC must have mission or goal statements for completion of tasks.

(2) Materials generated by the task force shall be forwarded to the Oneida Business Committee Support Office for proper disposal within two (2) weeks of dissolution.

[KM18]

3-5. *Quorum.* A quorum shall consist All meetings of the ONVAC shall have at least a  
quorum in attendance, quorum being defined as five (5) ONVAC members  
one (1) of which shall include the Chairperson or Vice Chairperson and  
must is an ONVAC Officer; provided, the Secretary may  
only complete a quorum for meetings called pursuant to  
section 2-4(a) of these bylaws.

(a) A quorum shall be established ~~within thirty~~ at least five (5) minutes ~~of the~~ before the identified scheduled meeting time.

(1) Failure to establish a quorum will result in rescheduling of the meeting.

~~3-4. *Order of Business.* The agenda shall be prepared and distributed to the Veterans Affairs Committee members not less than five working days prior to a scheduled meeting by the Secretary. Requests for items on the agenda must be made five days prior to distributing the materials for the meeting by forwarding the request to the Secretary. New business to be added at the meeting may be presented and accepted for placement on the agenda, but shall be limited to a five minute presentation. If the added item requires additional time, it shall be tabled until the next regular meeting or a special meeting may be requested. The regular meetings of the Veterans Affairs Committee shall follow the order of business as set out herein:~~

a.

3-6. Order of Business. The order of business shall be:

(a) ~~Call to order~~Order/Opening Ceremony

(b.) Approval of Agenda



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- ~~(c. Reading and action on)~~ Approval of Minutes
- ~~(d. Offer)~~ Task Force and Subcommittee Reports
- e. ~~Standing and Special Committee or Reports by~~ Invited Guests
- f. ~~(e)~~ Old Business
- g. ~~New/Tabled~~ Business
- ~~(f)~~ New Business
- ~~(g)~~ Veteran Service Officer Report (FYI)
- ~~(h.)~~ Public Comment (5-minute limit per speaker per subject)
- ~~(i)~~ Executive Session
- ~~(j)~~ Other Additional Agenda Items and/or Reports by Individual ONVAC Members
- ~~(k)~~ Adjournment

~~3-5-7.]~~<sup>[KMH19]</sup> *Voting.* ~~Voting shall be in accordance with Robert's Rules Decisions of Order or as otherwise identified in these the ONVAC shall be by laws. Each member shall have one majority vote, provided that of the members in attendance at an ONVAC meeting of an established quorum.~~

~~(a) Each of the nine (9) ONVAC members, including the Chairperson shall, shall be entitled to one (1) vote only in case of a tie. Telephone voting may be allowed on issues determined by voice on each matter submitted to a vote only of the ONVAC.~~

~~(b) E-polls are permissible so long as conducted in accordance with the Boards, Committees and Commissions law.~~

~~(1)~~<sup>[KMH21]</sup> The Vice-Chairperson shall serve as the Chairperson's designee for ~~the responsibility of conducting an e-poll in the absence or discretion of the Chairperson.~~

~~[KMH22]~~

#### **Article IV. Expectations**<sup>[KMH23]</sup>

##### **4-1. Behavior of Members.**

~~(a) Members of the ONVAC shall present and conduct themselves in a professional manner when acting in their official capacity as members of the ONVAC by, among other actions, speaking in a respectful and courteous manner to ONVAC members, as well as non-members, and dressing in appropriate attire when attending meetings and/or other ONVAC events.~~

~~(b) No member shall act independently of the ONVAC, on behalf of the ONVAC, or express and/or represent views of the ONVAC without its specific approval as established by a majority vote of the members present at an ONVAC meeting of an established quorum.~~

~~(c) Members shall prepare for and attend all meetings of the ONVAC unless excused in accordance with these bylaws.~~



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(d) Members shall comply with these bylaws and all other laws and/or policies of the Nation<sup>[KMH24]</sup>

(e) *Enforcement.* Any action by a member contrary to the above shall be discussed at the next ONVAC regularly scheduled monthly meeting or emergency meeting and appropriate warnings and/or actions may be taken by the ONVAC as agreed upon by a majority vote of the ONVAC members in attendance at the monthly or emergency meeting of an established quorum, including, but not limited to:

(1) That the ONVAC may make a recommendation to the Oneida Business Committee for termination of the member's appointment in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.

(2)<sup>[KMH25]</sup> That the ONVAC may discipline the member in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2.<sup>[KMH26]</sup> *Prohibition of Violence.* ONVAC members are prohibited from participating in or committing any intentional acts of violence that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person or damage to property. No intentional act of violence will be tolerated and/or accepted by any member of the ONVAC while acting in an official capacity as a member of the ONVAC..

4-3. *Drug and Alcohol Use.* ONVAC members shall not use any alcohol, illegal drugs or legal drugs, other than as prescribed/directed, while acting in their official capacity as members of the ONVAC.

4-4.<sup>[KMH27]</sup> *Social Media.* Expectations for use of social media is for official business of the ONVAC.

(a) While engaged in social media activities, no member shall use his or her status on the ONVAC for individual gain or purpose.

(b) Members of the ONVAC shall comply with the Oneida Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the ONVAC.

4-5. *Conflict of Interest.* ONVAC members shall comply with all laws and policies of the Nation governing conflicts of interest.



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(a)<sup>[KM28]</sup> Members on the ballot for an Officer position with the ONVAC shall recuse themselves from voting on the position for which they are running to fill.

## **Article V. Stipends and Compensation**

5-1. Stipends. ONVAC members shall be eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to time-hereafter:

(a) One (1) meeting stipend per month, provided that:

(1) A quorum was established;

(2) The meeting of the established quorum lasted for at least one (1) hour; and

(3) The member collecting the stipend was physically present for the entire meeting.

(b) A stipend for attending a duly called joint meeting between the ONVAC and the Oneida Business Committee, provided that:

(1) A quorum was established by the ONVAC;

(2) The joint meeting lasted for at least one (1) hour; and

(3) The ONVAC member collecting the stipend was physically present for the entire joint meeting.

(c) For attending a conference or training, provided that:

(1) The member attended a full day of training or was present at the conference for a full day; and

(2) The member's attendance at the training or conference was required by law, bylaws or resolution.

(d) A stipend for attending a Judiciary hearing if the member's attendance at the Judiciary hearing was required by official subpoena.

(e) Task force and subcommittee members shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

5-2. Compensation. Besides travel, per diem and business expense reimbursements authorized by the Boards, Committees and Commissions law, ONVAC members shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the ONVAC.

[KM29]

## **Article VI. Records and Reporting**

46-1. ~~Format.~~ Agenda Items. Agenda items shall be consistently maintained in an the format identified ~~format in~~ Article III, section 3-6 of these bylaws as the Order of Business.

4<sup>[KM30]</sup>



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( ) [KMH31]

~~6-2. *Minutes.*~~ Minutes. Meeting minutes of the ONVAC [KMH32] shall be typed and in a consistent \_\_\_\_\_ format ~~designed~~ provided by the Oneida Business Committee Support Office to \_\_\_\_\_ generate the most informative record of ~~the~~ all meetings of the ~~Veterans Affairs Committee.~~ ONVAC. \_\_\_\_\_

~~4~~ (a) [KMH34] The minutes shall provide a summary of the action(s) taken by the \_\_\_\_\_ ONVAC during the meeting \_\_\_\_\_ that includes the decision, any motions and/or \_\_\_\_\_ amendments, the vote and any other pertinent information that would lend \_\_\_\_\_ to the record.

~~(b) [KMH35]~~ (b) [KMH35] Minutes shall be submitted to \_\_\_\_\_ the Oneida Business Committee Support Office within thirty (30) days of their approval by the ONVAC. \_\_\_\_\_

~~6-3. *Attachments.*~~ Handouts All meeting handouts, reports, ~~memoranda,~~ memorandum and the like ~~may shall~~ 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 to be maintained~~ as a packet upon submission to the Oneida Business Committee Support Office.

~~4-4. *Reporting.*~~ The Chairperson will report to the \_\_\_\_\_

~~6-4. *Oneida Business Committee member who is designated liaison.*~~ This reporting format may be as the liaison and Veterans Affairs Committee agree to, but not less than that required in any Liaison. All three (3) Officers of the ONVAC shall be \_\_\_\_\_ made aware of the need to meet with the Oneida Business Committee \_\_\_\_\_ member who is ONVAC's designated liaison and any and/or all of the \_\_\_\_\_ Officers may meet with the liaison on an \_\_\_\_\_ as-needed basis, the frequency and format of which may be as agreed upon \_\_\_\_\_ between the liaison and the Officers so long as no less than \_\_\_\_\_ as required by 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 the Veterans Affairs Committee agree. Provided that, the agreement is)~~

The purpose of the liaison relationship is to uphold \_\_\_\_\_ the ability of the liaison to act as a support to the ~~Veterans Affairs Committee~~ \_\_\_\_\_ ONVAC.

~~4-5. *Travel and reimbursement.*~~ All individuals and organized groups who request funding by the Veterans Affairs Committee must provide an itinerary to the Veterans Affairs Committee which includes estimated costs, dates of travel, and purpose of travel. Upon return, reports must be forwarded to the Veterans Affairs Committee regarding activities and expenses including receipts. Travel sponsorship under this Article is limited to activities relating to veterans and which are endorsed by the Veterans Affairs Committee. Travel reports must be submitted within ten days of return from a trip and must contain justification for the expenses incurred in terms of \_\_\_\_\_



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~~what benefit was gained for the Oneida Nation and/or Oneida veterans. Failure to submit reports may result in reimbursement to the Oneida Nation through appropriate actions.~~

**~~Article V. Amendments~~**

~~5-1. *Amendments to By laws.* Amendments shall be made to these by laws at a regular meeting of the Veterans Affairs Committee provided that written notice of proposed amendments was made at a prior regular meeting. Amendments are effective upon adoption by a majority vote of the Veterans Affairs Committee and approval by the Oneida Business Committee.~~

~~5-2. *Review of By Laws.* At the first regular meeting following an election of Veterans Affairs Committee officers, a review of the by laws shall be conducted to determine that they are current. Orientation regarding the Veterans Affairs Committee will occur the first meeting after an appointment for all new members to be conducted by an officer.~~



## **Article VI. Purpose and Policy**

~~6-1. Purpose. It is the purpose of the Veterans Affairs Committee to serve as an advisory body to the Oneida Veterans Department in matters related to Oneida Nation veterans's rights and benefits; and to protect the honor and integrity of the Oneida Nation and all veterans who served honorably in the United States Armed Forces.~~

~~6-2. Policy. The policy of the Veterans Affairs Committee and the Oneida Veterans Service Office will be to verify the authenticity of groups or individuals, who claim to represent Oneida Veterans. Only those recognized groups who possess a valid federal, Wisconsin State or Oneida Tribal charter, or as an individual or a group sponsored by such an organization, shall be endorsed by the Veterans Affairs Committee to represent Oneida veterans and the Oneida Nation at various public functions involving veterans. The Veterans Service Office shall maintain a register listing those organizations sanctioned by the Veterans Affairs Committee as legitimate representatives of Oneida veterans and the Oneida Nation, such as:~~

~~a. Veterans of Foreign Wars (VFW) Robert Cornelius Post #7784, National Charter, Tax # 23-7209491~~

~~b. American Veterans (AMVETS) Post #54, National Charter, Tax # 39-1843547~~

~~c. Wisconsin Indian Veterans Association (WIVA), Oneida Chapter, Charter pending.~~

~~The Veterans Affairs Committee shall be the screening body for all requests for funding from the Oneida Nation made by individuals or groups who claim to be representing Oneida veterans. Only those requests from individuals or groups that are subsequently endorsed by the Veterans Affairs Committee shall be forwarded to the Oneida Business Committee with a recommendation for approval of the request for funding.~~

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6-5. [KMH36] Audio Recordings. All meetings of the ONVAC shall be audio recorded using a recording device approved of and/or supplied by the Oneida Business Committee Support Office.

(a) Audio recordings shall be maintained by the Oneida Business Committee Support Office in accordance with the Open Records and Open Meetings law.

(b) Exception. Audio recordings of executive session portions of a meeting shall not be recorded.

## **Article VII. Amendments.**

7-1. Amendments. The Veterans Affairs Committee, upon written notice, may at any of its regular meetings, by a majority vote of the members present at a meeting of an established quorum, amend or repeal these bylaws, provided that the amendment or repeal has been submitted in writing at the previous regular meeting.

(a) [KMH37] Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.

(b) All amendments and/or repeals of these bylaws shall be approved by the Oneida Business Committee prior to implementation.



50 \_\_\_\_\_ (c) These ~~by laws~~ bylaws shall be reviewed on an annual basis.

51 These bylaws, as amended and revised, are hereby ~~attested to as~~ adopted by the Oneida Nation  
52 Veterans Affairs Committee ~~at a duly called meeting by the Chairperson's signature on this~~ \_\_\_\_\_ day  
53 ~~of~~ of \_\_\_\_\_ 1997

54 \_\_\_\_\_  
55 \_\_\_\_\_  
56 \_\_\_\_\_  
57 ~~And by approved by the Oneida Business Committee~~ at a duly called meeting on this \_\_\_\_\_ day of  
58 \_\_\_\_\_, 2019.

59

60 \_\_\_\_\_  
61 James D. Martin, Chairman  
62 Oneida Nation Veterans Affairs Committee

63 \_\_\_\_\_  
64 And held on this \_\_\_\_\_ day of \_\_\_\_\_, 1997 approved by the Oneida Business Committee at a duly called  
65 meeting held on this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by the Secretary of the Oneida  
66 Business Committee's signature.

67

68 \_\_\_\_\_  
69 \_\_\_\_\_  
70 Lisa Summers, Tribal Secretary  
71 Oneida Business Committee  
72 \_\_\_\_\_



**Oneida Business Committee Agenda Request**

Approve the Oneida Police Commission bylaws amendments

**1. Meeting Date Requested:** 9 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



## ONEIDA POLICE COMMISSION BYLAWS

### Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Police Commission and may be referred to as the Police Commission.
- 1-2. *Establishment.* The Police Commission was established under the Oneida Nation Law Enforcement Ordinance, adopted by the Oneida Business Committee through resolution BC-10-10-01-C and amended by resolution BC-02-25-15-C.
- 1-3. *Authority.*
- (a) *Purpose of Entity.* The purpose of the Police Commission is to regulate the conduct of the Oneida Nation law enforcement personnel according to the highest professional standards. The Police Commission was established to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. The Police Commission is an oversight body and does not involve decision making processes on day-to-day activities of those law enforcement services.
  - (b) *Powers and Duties.* The Police Commission has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including but not limited to, the Oneida Nation Law Enforcement Ordinance.
- 1-4. *Office.* The official mailing address of the Police Commission shall be:  
Oneida Police Commission  
P.O. Box 365  
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The Police Commission shall consist of five (5) members.
  - (b) *Appointed.* All members of the Police Commission shall be appointed in accordance with the Boards, Committees and Commissions law to serve a five (5) year term.
    - (1) Members of the Police Commission may serve more than one (1) term, but not more than three (3) consecutive terms.
    - (2) Members of the Police Commission shall remain in office:
      - (A) If his or her term has expired, until a successor has been sworn in by the Oneida Business Committee;
      - (B) Until his or her appointment is terminated; or
      - (C) Until his or her resignation.
        - (i) A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Police Commission Chairperson or Chairperson's designee. The resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.



- (c) *Vacancies.* Vacancies on the Police Commission shall be filled by appointment by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.
- (1) The Chairperson of the Police Commission shall provide the Oneida Business Committee with a recommendation on all applications for appointment to fill a vacancy by the executive session in which the appointment is intended to be made.
- (A) The Chairperson shall include in the recommendation whether the applicant meets the qualifications set forth in these bylaws.
- (2) For vacancies in unexpired terms, a replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.
- (d) *Qualifications.* All Police Commission members:
- (1) Must be an enrolled member of the Oneida Nation.
- (2) Must be twenty-five (25) years of age or older.
- (3) Must submit to a complete background investigation. The following would disqualify any person from serving on the Oneida Police Commission:
- (A) A felony conviction in the State of Wisconsin or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin.
- (B) A felony arrest which results in a misdemeanor conviction due to a plea arrangement.
- (C) A conviction of any ordinance violation that could bring discredit to the Police Commission, including, but not limited to:
- (i) Domestic Abuse; or
- (ii) Child Abuse.
- (D) Any pardon issued by the Nation or the governor of any state for an offense specified above shall not deem a person as “exonerated” for the purposes of membership on the Police Commission.
- (4) Must submit to drug testing prior to appointment and on an annual basis.
- (5) Must not be an employee of the Oneida Police Department or have been terminated from the Oneida Police Department.
- (6) Must be a person of known good standing in the community.
- (e) *Duties/Responsibilities.*
- (1) Members shall attend regular Police Commission meetings, emergency meetings, trainings and conferences as directed by the Police Commission.
- (2) Members shall provide direction; participate in discussion; review Police Commission reports and minutes prior to the meetings; and perform other duties assigned by the Police Commission.
- (3) *Attendance.* The Police Commission has high expectations when it comes to attendance; therefore, attendance will be closely monitored.
- (A) Six (6) excused absences of a member from any duly called meeting of the Police Commission within a one (1) year period may be cause for a recommendation by the Police Commission to the Oneida Business Committee for termination of that member’s appointment in accordance with section 1-6 of these bylaws.
- (B) Four (4) unexcused absences of a member from any duly called meeting of the Police Commission within a one (1) year period may



be cause for a recommendation by the Police Commission to the Oneida Business Committee for termination of that member's appointment in accordance with section 1-6 of these bylaws.

(i) A member who fails to provide written notice of his or her pending absence to a Police Commission Officer at least thirty (30) minutes before the start of the duly called missed meeting of the Police Commission shall be deemed unexcused.

(4) Members shall perform all other responsibilities assigned under the Oneida Law Enforcement Ordinance, including, but not limited to:

(A) Appointing, suspending or removing the Police Chief of the Oneida Police Department;

(B) Approving all law enforcement officer appointments made by the Police Chief including the promotion of subordinates;

(C) Adopting, modifying and repealing rules governing how lists of individuals, deemed eligible for appointment to law enforcement officer and promotion, are established;

(D) Approving competitive examinations used to judge suitability for appointment or promotion of law enforcement officers;

(E) Approving an eligibility list of individuals determined to be eligible for appointment as a law enforcement officer or promotion;

(F) Suspending law enforcement officers or other appointed personnel of the Oneida Police Department pending the filing and hearing of charges against them;

(G) Initiating charges against law enforcement officers or other appointed personnel of the Oneida Police Department;

(H) Hearing charges filed against law enforcement officers or other appointed personnel of the Oneida Police Department, whether filed by the Police Commission or the Police Chief, making findings and determinations, and imposing penalties up to and including termination;

(I) Hearing appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel;

(J) Adopting rules governing the Police Commission's management of its own activities;

(K) Reviewing and forwarding for approval contracts to the Oneida Business Committee relating to cross-deputization, dispatch function and mutual aid pacts which are made between the Oneida Police Department and a non-tribal agency; and

(L) Approving Standard Operating Procedures of the Oneida Police Department.

1-6. *Termination.* A member of the Police Commission may be terminated in accordance with the Boards, Committees and Commissions law.

(a) The Police Commission may recommend termination of a member from the Police Commission to the Oneida Business Committee for the following:

(1) Misconduct or wrong doing as a member of the Police Commission;

(2) Conduct which could jeopardize the reputation of the Oneida Nation, the Police Commission or the law enforcement system;



- (3) Any change in status which would place the member of the Police Commission in conflict with the qualifications for membership set forth in these bylaws;
- (4) Violation of the confidentiality of closed hearings or any other information declared “confidential” by the Police Commission; and
- (5) A disclosure of confidential information acquired by reason of a member’s relationship or status with the Police Commission for personal advantage, gain or profit, or for the advantage, gain or profit of a member’s relative or associate.
- (b) Recommendations to the Oneida Business Committee for termination of a Police Commission member’s appointment must be determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

1-7. *Trainings and Conferences.*

- (a) Contingent upon funding, the following trainings/conferences shall be mandatory for members of the Police Commission to attend when directed by majority vote of the members in attendance at a Police Commission meeting of an established quorum:
- (1) 1-4 HRD training to save on any travel;
  - (2) Investigation Case Management;
  - (3) National Alliance for Drug Endangered Children;
  - (4) Legal Responsibilities;
  - (5) Protecting Due Process;
  - (6) Confidentiality and Reporting;
  - (7) Disciplinary Measures;
  - (8) Report Writing;
  - (9) Ethics;
  - (10) Hearings;
  - (11) Gangs;
  - (12) Youth Interaction;
  - (13) Suicide;
  - (14) School Threats;
  - (15) First Responders;
  - (16) Evidence Processing;
  - (17) Drug Related Death;
  - (18) Interviews and Child Death;
  - (19) Crime Scene;
  - (20) Unresolved Cases;
  - (21) Prosecution and Role of the Prosecutor;
  - (22) Media Relations;
  - (23) Cultural Differences to Build Stronger Communities;
  - (24) Terrorism & Police Measures;
  - (25) Victim Assistance;
  - (26) Shared Jurisdiction;
  - (27) Consent Searches;
  - (28) Substance Abuse Prevention;
  - (29) Case Study;
  - (30) Trauma;
  - (31) UWSP Outreach Annual Crisis Conference;



- (32) UWGB Training; and
- (33) UW – Fox Valley Training.

(b) Reimbursement for conferences and trainings shall be subject to the Boards, Committees and Commissions law and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter.

- (1) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the Police Commission shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## Article II. Officers

2-1. *Officers.* The Officer positions of the Police Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

- (a) Shall, with the assistance of the Secretary, be responsible for calling meetings and notifying members of the Police Commission, as well as the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law;
- (b) Shall preside over all meetings and hearings of the Police Commission;
- (c) Shall sign or designate one to sign all official Police Commission documents;
- (d) Shall be the liaison to the Oneida Business Committee and other department heads;
- (e) Shall seek clearance from the Oneida Business Committee via the Communications Department for any media requests made of the Police Commission per the Communications Department Media Policy;
- (f) Shall perform any and all duties assigned by the Police Commission;
- (g) Shall submit the recommendations for appointment referred to in section 1-5 and conduct the e-polls referred to section 3-6 of these bylaws; and
- (h) Shall, with assistance of the Secretary or through a designee of the Chairperson, submit annual and semi-annual reports to the Oneida General Tribal Council, as well as quarterly reports to the Oneida Business Committee, as required by the Boards, Committees and Commissions law, and shall attend all Oneida Business Committee meetings in which the Police Commission's quarterly report is an agenda item.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

- (a) Shall preside at all meetings in the absence of the Chairperson and appoint a Vice-Chairperson for that meeting;
- (b) Shall be responsible for conducting e-polls in the absence of the Chairperson;
- (c) Shall work with the Chairperson in all matters that concern the Police Commission; and
- (d) In the event of the resignation, dismissal from office or death of the Chairperson, shall assume the role of Chairperson until such time as the Chairperson's term would have expired.



- 240 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as  
241 follows:  
242 (a) Shall keep accurate minutes of all regular, emergency and joint meetings, assuring  
243 that the minutes are reported in proper format and consistent with the Boards,  
244 Committees and Commissions law;  
245 (b) Shall assist the Chairperson with the calling and notification of meetings, consistent  
246 with section 2-2 of these bylaws, and the submission of the annual, semi-annual and  
247 quarterly reports required by the Boards, Committees and Commissions law;  
248 (c) Shall ensure that all standard operating procedures established by the Police  
249 Commission are submitted to the Oneida Business Committee Support Office; and  
250 (d) In the event that both the Chairperson and the Vice-Chairperson positions become  
251 vacant before the end of their terms, shall call meetings of the Police Commission to  
252 fill the vacancies and preside over those meetings for the sole purpose of conducting  
253 an election of new Officers, at which point the Chairperson, or Vice-Chairperson in  
254 the absence of the Chairperson, shall preside.  
255
- 256 2-5. *Selection of Officers.* The Officers shall serve terms of one (1) year and shall be elected by a majority  
257 vote of the Police Commission members in attendance at the annual meeting of an  
258 established quorum, which shall be held in September of each year.  
259 (a) Terms of office run from the beginning of the fiscal year.  
260 (b) Officers may hold only one (1) Officer position per Officer term.  
261 (c) Members of the Police Commission may be dismissed from their Officer positions  
262 by majority vote of the members in attendance at a Police Commission meeting of  
263 an established quorum.  
264
- 265 2-6. *Budgetary Sign-Off Authority and Travel.* The Police Commission shall follow the Nation's policies  
266 and procedures regarding purchasing and sign-off authority.  
267 (a) Levels of budgetary sign-off authority for the Police Commission shall be as set forth  
268 in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and*  
269 *Procedures*, for Area Directors/Enterprise Directors.  
270 (1) All Officers of the Police Commission shall have sign-off authority.  
271 (2) Two (2) Police Commission Officers shall be required to sign-off on all  
272 budgetary requests.  
273 (b) Travel requests on behalf of the Police Commission shall be approved by majority  
274 vote of the members in attendance at a regular or emergency Police Commission  
275 meeting of an established quorum.  
276
- 277 2-7. *Personnel.* From the date these bylaws are adopted by the Oneida Business Committee and  
278 moving forward, the Police Commission shall not have authority to hire personnel  
279 for the benefit of the Police Commission.  
280

### 281 **Article III. Meetings**

- 282 3-1. *Regular Meetings.* Regular meetings of the Police Commission shall be held every fourth (4th)  
283 Wednesday of the month, commencing at 5:00 p.m., at the Ridgeview Plaza located  
284 in Oneida, Wisconsin. If the fourth (4th) Wednesday of the month falls on a holiday,  
285 then an alternative date may be selected by the Police Commission in accordance  
286 with these bylaws.



- (a) The meeting date, time and location shall be reviewed at the first meeting of the Police Commission and may change from time-to-time as it so determines upon proper notice to all Police Commission members, in writing, and to the public in accordance with governing law prior to the implementation of the new date, time and/or location.
- (1) Meeting locations shall be within the Oneida Nation Reservation boundaries unless all the membership, as well as the public, is given proper notice, consistent with governing law, prior to designating the meeting location.
- (b) Notice of meeting location, agenda, documents and minutes shall be forwarded by the Chairperson with the assistance of the Executive Administrator or Secretary, to all members of the Police Commission, in writing, and to the public in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.
- (c) *Interview meetings.* Additional meetings for the purpose of the applicant interviews for Police Chief or law enforcement officers may be called by the Chairperson with approval of a majority of the members making up at least a quorum and so long as notice is provided to all members, in writing, and to the public in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.

3-2. *Emergency Meetings.*

- (a) An emergency meeting shall be called to address specific issues of the Police Commission that will be identified in the notice for the meeting when time sensitive issues require immediate action.
- (1) Emergency meetings shall require at least a twenty-four (24) hour advance notice, in writing and by telephone call, to each member of the Police Commission by the Chairperson or the Chairperson's designee and shall further require notice to all Police Commission members, as well as the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.
- (2) Notice of an emergency meeting that is provided via email must be sent to the official Oneida Nation email address that was provided to each member to conduct Police Commission business electronically.
- (b) Within seventy-two (72) hours after an emergency meeting, the Police Commission shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

- 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee may be held at the Norbert Hill Center, Business Committee Conference Room, upon the request of either party and the agreement of the Oneida Business Committee.
- (a) Notice of the joint meeting agenda, documents and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.



334 3-4. *Quorum.* A quorum shall consist of three (3) members, one (1) of which shall include the  
 335 Chairperson, Vice-Chairperson or Secretary, but only if the Secretary is presiding  
 336 over a meeting in accordance with section 2-4(d) of these bylaws.  
 337

338 3-5. *Order of Business.* The regular meetings of the Police Commission shall follow the order of business  
 339 as set out herein:

- 340 (a) Call to order
- 341 (b) Approval of the agenda
- 342 (c) Approval of the minutes
- 343 (d) Correction and approval of the minutes
- 344 (e) Correspondence and mail
- 345 (f) Standing and Special Committee Reports
- 346 (g) Old business
- 347 (h) New business
- 348 (i) Other
- 349 (j) Adjournment

350 (1) To facilitate the Police Commission's proceedings, the order of business may  
 351 be amended or suspended at any time by a majority vote of the members in  
 352 attendance at a Police Commission meeting of an established quorum.

353 (2) *Executive Session.* During any meeting, with proper notice, an executive  
 354 session may be called by any single member of the Police Commission for  
 355 the purpose of a confidential nature. Executive sessions are limited to  
 356 members and such invited persons as the Police Commission deems  
 357 necessary. The meeting must be returned to "open session" following the  
 358 "executive session".  
 359

360 3-6. *Voting.* Decisions of the Police Commission shall be based on a majority vote of the members  
 361 present at a regular or emergency Police Commission meeting of an established  
 362 quorum.

- 363 (a) The Chairperson or Officer presiding at the meeting in the Chairperson's absence  
 364 shall vote only in the case of a tie.
- 365 (b) E-Polls are permitted and shall be conducted in accordance with the requirements  
 366 listed in the Boards, Committees and Commissions law.

367 (1) In the Chairperson's absence, the Vice-Chairperson shall serve as the  
 368 designee for conducting e-polls.  
 369

#### 370 **Article IV. Expectations**

371 4-1. *Behaviors of Members.* Members of the Police Commission shall act in accordance with the Oneida  
 372 Code of Ethics.

- 373 (a) *Enforcement.* Any member of the Police Commission found to be in violation of  
 374 these bylaws or any other laws of the Nation may be subject to a recommendation  
 375 from the Police Commission to the Oneida Business Committee for termination of  
 376 that member in accordance with the Boards, Committees and Commissions law  
 377 and/or the imposition of sanctions and/or penalties according to the laws and policies  
 378 of the Nation governing sanctions and penalties for appointed officials.

379 (1) Recommendations to the Oneida Business Committee for termination of a  
 380 Police Commission member's appointment must be determined by a majority



vote of the members in attendance at a Police Commission meeting of an established quorum.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the Police Commission 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 an immediate recommendation for termination of appointment from the Police Commission and/or the imposition of sanctions and/or penalties according to the laws and policies of the Nation governing sanctions and penalties for appointed officials as determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by members of the Police Commission when acting in their official capacity is strictly prohibited.

- (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances 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.

4-4. *Social Media.* Police Commission members shall abide by the Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the Police Commission.

4-5. *Conflict of Interest.* Police Commission members shall abide by all laws of the Nation governing conflicts of interest. Members must submit a Conflict of Interest form upon taking their oath of office and annually thereafter.

## **Article V. Stipends and Compensation**

5-1. *Stipends.* Police Commission members are eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

- (a) A stipend for attending a duly called meeting of the Police Commission for up to one (1) meeting per month.
- (b) A stipend for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
- (c) A stipend for conducting an official hearing of the Police Commission.
- (d) A stipend for attending a duly called joint meeting between the Police Commission and the Oneida Business Committee.
- (e) A stipend for each full day a member is present at a conference or training when attendance at the conference or training is required by law, bylaws or resolution.

5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, members of the Police Commission shall



not be eligible for any other form of compensation for duties/activities they perform on behalf of the Police Commission.

#### **Article VI. Records and Reporting**

6.1. *Agenda Items.* Agenda items shall be maintained in the format provided by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed in the format provided by the Oneida Business Committee Support Office to generate the most informative record of the meetings of the Police Commission.

- (a) All minutes shall be submitted to the Oneida Business Committee Support Office within thirty (30) calendar days of the Police Commission's approval.

6-3. *Attachments.* Handouts, reports, memoranda and the like may be kept separately; provided, the materials can be identified to the meeting in which they were presented and shall be maintained in accordance with the Nation's Open Records and Open Meetings law.

6-4. *Oneida Business Committee Liaison.* The Chairperson shall regularly report to the Oneida Business Committee member who is the Police Commission's designated liaison.

- (a) The reporting format and frequency for communication shall be as the liaison and the Police Commission agree to, but not less than that required in any law of the Nation or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.
- (b) Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and the Police Commission agree, provided that the agreement is aimed at upholding the ability of the liaison to act as a support to the Police Commission.

6-5. *Audio Recordings.* All meetings of the Police Commission shall be audio recorded using a recording device approved and/or supplied by the Oneida Business Committee Support Office. The audio recordings shall be sent to the Oneida Business Committee Support Office quarterly, for purposes of maintaining, when the minutes are approved by the Police Commission.

- (a) Audio recordings of executive session portions of a meeting are not required.

#### **Article VII. Amendments**

7-1. *Amendments to the Bylaws.* Amendments may be made to these bylaws at a regular meeting of the Police Commission provided that written notice of the proposed amendments is given at a prior regular meeting and the amendments conform to the Boards, Committees and Commissions law, as well as any other policy of the Nation.

- (a) Amendments are effective upon adoption of the Police Commission and approval by the Oneida Business Committee.
- (b) The Police Commission shall review these bylaws from time to time as needed, but no less than on an annual basis.



474 These bylaws as amended and revised are hereby attested to as adopted by the Oneida Police Commission  
475 at a duly called meeting by the Chairperson's signature on this \_\_\_\_ day of \_\_\_\_\_, 2019

476 \_\_\_\_\_  
477 Chairperson, Oneida Police Commission  
478

479  
480 and by approval of the Oneida Business Committee at a duly called meeting held on this \_\_\_\_\_ day of  
481 \_\_\_\_\_, 2019 by the Secretary of the Oneida Business Committee's signature.

482  
483 \_\_\_\_\_  
484 Secretary, Oneida Business Committee  
485

486





## Oneida Police Commission Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

| REQUESTER:<br>Legislative<br>Reference Office                 | SPONSOR:<br>David P. Jordan   | DRAFTER:<br>Kristen M. Hooker | ANALYST:<br>Maureen Perkins |
|---|---|-------------------------------|-----------------------------|
| Complies with<br>Boards,<br>Committees and<br>Commissions Law | These amendments comply with the Oneida Business Committee (OBC) directive established by resolution BC-09-26-18-C that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and the Nation's corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited [1 O.C. 105.10-1(b)].   |                               |                             |
| Intent of the<br>Bylaws                                       | The bylaws provide a framework for the operation and management of the Oneida Police Commission (Police Commission) to govern the standard procedures regarding the way the Police Commission conducts its affairs, including: the appointment of persons to the Police Commission, the membership qualifications, duties and responsibilities of both members and Officers, terms and filling vacancies of members, selection of Officers, establishment of expectations of members, maintenance of official records, stipends, termination process, required training, and how the bylaws are amended.  |                               |                             |
| Purpose   | The purpose of the Police Commission is to regulate the conduct of the Oneida Nation law enforcement personnel according to the highest professional standards. The Police Commission was established to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. The Police Commission is an oversight body and does not involve decision making processes on day-to-day activities of those law enforcement services [Proposed Bylaws 1-3(a)]. |                               |                             |
| Related Legislation   | Oneida Nation Constitution, Oneida Nation Law Enforcement Ordinance, Boards, Committees and Commissions law, Conflict of Interest law, Code of Ethics law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Open Records and Open Meetings law   |                               |                             |
| Enforcement/Due<br>Process                                    | A member of the Police Commission serves at the discretion of the OBC. Upon the recommendation of a member of the OBC or by majority vote of the Police Commission; the OBC may terminate a Police Commission's appointment. A two-thirds majority vote of the OBC shall be required to terminate the appointment of a member. The OBC's decision to terminate an appointment is final and not subject to appeal [1 O.C. 105-7-4].  |                               |                             |
| Public Meeting  | Public meetings are not required for bylaws.  |                               |                             |
| Fiscal Impact   | A fiscal impact statement is not required for bylaws.   |                               |                             |



**SECTION 2. BACKGROUND**

- A. The Police Commission bylaws amendments were added to the Active Files List on October 3, 2018, with David P. Jordan as the sponsor.
- B. The Police Commission is established by the Oneida Nation Law Enforcement Ordinance which contains specific details related to the role and requirements of members of the Police Commission. The Oneida Nation Law Enforcement Ordinance was adopted October 10, 2001, by Resolution BC-10-10-01-C and amended by Resolution BC-02-25-15-C
- C. The most recent bylaws were approved by the OBC on March 3, 2004.

**SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

- A. The bylaws comply with the Boards, Committees and Commissions law.
- B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar amounts and eligibility requirements of stipends.
- C. The bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

**SECTION 4. AMENDMENTS**

This section details the changes to the bylaws from the previously adopted bylaws.

**A. ARTICLE I. AUTHORITY**

- a. The authority section was expanded to include the purpose of the Police Commission established in the Oneida Nation Law Enforcement Ordinance [*Proposed Bylaws 1-3*].
- b. The membership section changed as follows:
  - The reference to the Removal Law was removed [*Current Bylaws 1-4(d)*]. Members of the Police Commission are appointed by the OBC and the termination of an appointment follows the Boards, Committees and Commissions law [*Proposed Bylaws 1-6*] [*1 O.C. 105.7-4*].
  - Clarification was added that a member may serve more than one term but not more than three consecutive terms [*Proposed Bylaws 1-5(b)(1)*] in accordance with the Oneida Nation Law Enforcement Ordinance [*3 O.C. 301.6-2*].
  - A provision was added that members of the Police Commission will stay in office until a successor has been sworn in by the OBC [*Proposed Bylaws 1-5(b)(2)(A)*] which is optional under the Boards, Committees and Commissions law [*1 O.C. 105.6-2(a)(1)*].
  - The resignation process has changed in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:
    - Verbally at a meeting and accepted by motion at a meeting; or
    - By delivering a written resignation to the Business Committee Support Office (BCSO) and the Police Commission’s Chairperson or Chairperson’s designee [*Proposed Bylaws 1-5(b)(2)(C)(i)*].
  - A provision was added that the Chairperson will make a recommendation to fill vacancies on behalf of the Police Commission to the OBC that includes verification that the applicant meets the qualifications set forth in these bylaws [*Proposed Bylaws 1-5(c)(1)*]. This is optional in the Boards, Committees and Commissions law [*1 O.C. 105. 7-1(b)(1)*].



- Domestic abuse and child abuse were added as examples of convictions of ordinance violations that would prohibit a person from being appointed to the Police Commission *[Proposed Bylaws 1-5(d)(3)(C)]*.
    - A requirement was added that anyone terminated from the Oneida Police Department is disqualified from membership on the Police Commission *[Proposed Bylaws 1-5(d)(5)]*.
  - c. A section detailing duties and responsibilities was added to the bylaws *[Proposed Bylaws 1-5(e)(3)]*.
    - Attendance requirements are established along with consequences for failure to abide by the requirements. A definition was added for unexcused absence which requires written notice to a Police Commission Officer at least thirty (30) minutes before the meeting that he or she will be absent from *[Proposed Bylaws 1-5(e)(3)(B)(i)]*.
  - d. A provision was added that recommendations to the OBC to terminate a Police Commission member's appointment must be made by a majority vote of the members in attendance at a Police Commission meeting with an established quorum *[Proposed Bylaws 1-6(b)]*.
  - e. A list of thirty-three (33) mandatory training and conferences was added that require a majority vote of the Police Commission to attend *[Proposed Bylaws 1-7(a)(1) to (33)]*. Police Commission members may be eligible for a training stipend upon available funding in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.13-8]*. Regardless of the number of trainings/conferences that a Police Commission member is required to attend; each Police Commission member is only eligible to receive stipends for no more than five (5) full days of mandatory trainings/conferences attended *[Proposed Bylaws 1-7(b)(1)]*.
- B. ARTICLE II. OFFICERS
- a. The Officer positions were changed from President, Vice-President and Secretary/Treasurer to Chairperson, Vice-Chairperson and Secretary *[Proposed Bylaws 2-1]*.
    - Additional duties of the Chairperson include *[Proposed Bylaws 2-2]*:
      - A requirement to make recommendations for vacancies on behalf of the Police Commission to the OBC was added. This is optional under the Boards, Committees and Commissions law *[1 O.C. 105.7-1(b)(1)]*;
      - A requirement to attend or designate a Police Commission member to attend OBC meetings where the quarterly report is on the agenda in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.12-3]*; and
      - Conducting e-polls *[Proposed Bylaws 2-2(g)]* with the Vice-Chairperson as the designee in the Chairperson's absence in compliance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(c)(6)(C) and (D)]* and *[1 O.C. 105.11]*.
    - The financial reporting requirement was removed *[Current Bylaws 2-4]*.
    - A provision was added that if both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms; the Secretary shall call and preside over a meeting until a new Chairperson and Vice-Chairperson is elected; at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside *[Proposed Bylaws 2-4(d)]*. In this instance the Secretary's presence can be used to constitute quorum *[Proposed Bylaws 3-4]*.



- 99 b. Three provisions were removed from the current bylaws:
- 100       • The financial reporting requirement [*Current Bylaws 2-4*];
- 101       • The provision in the current bylaws related to an Officer not being able to serve
- 102       more than two (2) consecutive terms [*Current Bylaws 2-5*]; and
- 103       • Detail related to the successor being appointed to fill for the duration of the
- 104       unexpired Officer term [*Current Bylaws 2-5*].
- 105 c. A provision was added that prevents a member from holding more than one Officer
- 106       position at the same time on the Police Commission [*Proposed Bylaws 2-5(b)*].
- 107 d. A provision was added that an Officer may be dismissed from their position by a majority
- 108       vote of the members in attendance at a Police Commission meeting with an established
- 109       quorum [*Proposed Bylaws 2-5(c)*].
- 110 e. The budgetary and sign-off authority and travel section is new to these bylaws based on
- 111       requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].
- 112       • The Police Commission will use levels for budgetary sign-off authority that
- 113       are as set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies
- 114       and Procedures Manual for Area Directors/Enterprise Directors. All Police
- 115       Commission Officers shall have sign-off authority and two (2) Officers must
- 116       sign-off on budgetary requests, including stipends and expenses [*Proposed*
- 117       *Bylaws 2-6(b)(1) and 2-6(b)(2)*].
- 118       i. Although not applicable to the Police Commission; the Police
- 119       Commission will follow the budgetary sign-off levels dictated
- 120       by the Oneida Tribe of Indians of Wisconsin Purchasing
- 121       Policies and Procedures Manual for Area Directors/Enterprise
- 122       Directors, page 217, which includes the following levels of
- 123       sign-off authority:
- 124               1. Budgeted items with three bids for items between
- 125               \$3,000 and \$10,000;
- 126               2. Unbudgeted items between \$1,000 and \$5,000; and
- 127               3. Budgeted but sole source items between \$1,000 and
- 128               \$5,000.
- 129       • All travel must be authorized by two (2) Officers in accordance with the Travel
- 130       and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through
- 131       majority vote of a quorum of Police Commission in attendance at a regular or
- 132       emergency Police Commission meeting [*Proposed Bylaws 2-6(b)*] in
- 133       accordance with the Boards, Committees and Commissions law [*1 O.C.*
- 134       *105.10-3(b)(6)(B)*]. Police Commission members may travel in the Nation's
- 135       vehicles when certified and must follow the Vehicle Driver Certification and
- 136       Fleet Management law [*2 O.C. 210*].
- 137 f. The ability to hire personnel was removed from the bylaws starting from the date the
- 138       bylaws amendments are adopted by the OBC moving forward [*Proposed Bylaws 2-7*].
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140 C. ARTICLE III. MEETINGS



| Meetings in Current Bylaws [Article III]  | Meetings in Proposed Bylaws Amendments [Article III]   |
|---|--|
| <u>Regular Meetings</u>   | <u>Regular Meetings</u>  |
| <ul style="list-style-type: none"> <li>Regularly Scheduled – Twice Monthly</li> </ul>   | <ul style="list-style-type: none"> <li>Regularly Scheduled – Once Monthly</li> </ul>   |
| <u>Emergency Meetings</u>   | <u>Emergency Meetings</u>  |
| <ul style="list-style-type: none"> <li>Twenty-Four (24) Hour Notice</li> </ul>  | <ul style="list-style-type: none"> <li>Twenty-Four (24) Hour Notice</li> </ul>   |
| <u>Special Meetings</u>   | <u>Special Meetings</u>  |
| <ul style="list-style-type: none"> <li>Twenty-Four (24) Hour Notice</li> </ul>  | <ul style="list-style-type: none"> <li>Special Meetings were removed.</li> </ul>   |
|   | <u>Joint Meetings</u>  |
|   | <ul style="list-style-type: none"> <li>As Needed Per Approval of OBC.</li> </ul>   |
| <u>Interview Meetings</u>   | <u>Interview Meetings</u>  |
| <ul style="list-style-type: none"> <li>Additional meetings for the purpose of applicant interviews may be called by the President with the approval of a majority of the membership.</li> </ul> | <ul style="list-style-type: none"> <li>Additional meetings for applicant interviews for Police Chief or law enforcement officers may be called by the Chairperson with approval of a majority of members making up at least a quorum as long as all members and the public are provided written notice in accordance with the Open Records and Open Meetings law [1 O.C. 107.15].</li> </ul> |

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- a. Special meetings were removed [*Current Bylaws 3-2*].
  - b. Interview meetings are still included in the bylaws amendments. These meetings are not eligible for a stipend because they are not included in resolution BC-05-08-19-B titled, “Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar amounts and eligibility requirements of stipends.
  - c. A provision was added requiring an advance notice in writing and by telephone call to each member of the Police Commission at least twenty-four (24) hours before an emergency meeting is called. Notice by email must use the official Oneida Nation email provided to each member of the Police Commission [*Proposed Bylaws 3-2(a)(1)*].
  - d. A provision was added that the Police Commission will notify the Nation’s Secretary within seventy-two (72) hours of an emergency meeting with meeting notice, the reason for an emergency meeting and an explanation of why the matter could not wait for a regular meeting [*Proposed Bylaws 3-2(b)*] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(2)(A)].
  - e. Joint meetings with the OBC were added to the bylaws [*Proposed Bylaws 3-3*] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(3)]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.
 

The agenda will be agreed upon by the Police Commission Chairperson upon the Police Commission approval and the OBC liaison with OBC approval;

The BCSO will provide all parties the agenda, meeting packet and meeting notes;

No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the Police Commission, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the Police Commission;

The Chairperson of the Police Commission will facilitate the meeting;

Formal motions to call the meeting to order, take action or adjourn are unnecessary; and

Actions will be requested by consensus of both bodies.
  - g. The use of e-polls was added to the bylaws. The Chairperson will conduct e-polls and the Vice-Chairperson will serve as designee in the absence of the Chairperson [*Proposed Bylaws 3-6(b)*]. The bylaws require the Police Commission to follow the procedures for conducting e-polls that is included in the Boards, Committees and Commissions law [1 O.C. 105.11].
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163 D. ARTICLE IV. EXPECTATIONS

164 This section is new to these bylaws based on the requirements established in the Boards, Committees  
165 and Commissions law [1 O.C. 105.10-3(d)].

- 166 a. Members of the Police Commission are required to act in accordance with the Code of  
167 Ethics law [1 O.C. 103] [Proposed Bylaws 4-1] which fulfills requirements contained in  
168 the Boards, Committees and Commissions law related to behavioral requirements [1 O.C.  
169 105.10-3(d)(1)]. Enforcement of behavioral expectations includes 1) a recommendation by  
170 the Police Commission to the OBC to consider terminating a member's appointment and  
171 2) sanctions or penalties according to any applicable laws and policies of the Nation  
172 [Proposed Bylaws 4-1(a)]. Recommendation for termination of a member's appointment  
173 must be made by majority vote of the Police Commission members in attendance at a Police  
174 Commission meeting with an established quorum [Proposed Bylaws 4-1(a)(1)].
- 175 b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional  
176 or bodily harm or damage to property are prohibited and violations could result in the  
177 Police Commission's recommendation to the OBC to terminate the member from the  
178 Police Commission or imposition of sanctions or penalties according to any applicable laws  
179 and policies of the Nation [Proposed Bylaws 4-2] in accordance with the Boards,  
180 Committees and Commissions law [1 O.C. 105.10-3(d)(2)].
- 181 c. Drug and alcohol use by a Police Commission member when acting in an official capacity  
182 is prohibited including prescription or over-the-counter medicine used in an unlawful  
183 manner [Proposed Bylaws 4-3] in accordance with the Boards, Committee and  
184 Commissions law [1 O.C. 105.10-3(d)(3)]. The definition provided for prohibited drugs is  
185 the same definition that appears in the Boards, Committees and Commissions law  
186 [Proposed Bylaws 4-3(a)] [1 O.C. 105.3-1(n)].
- 187 d. Police Commission members must follow the Nation's Social Media Policy and their oath  
188 of office when using social media while acting on behalf of or as a representative of the  
189 Police Commission [Proposed Bylaws 4-4]. If creating a social media account, Police  
190 Commission must appoint an administrator [2 O.C. 218.4-2(d)].
- 191 e. The Police Commission will be required to abide by the Nation's Conflict of Interest law  
192 and the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(5) and 105.15]  
193 which includes disclosure of conflicts of interest annually [Proposed Bylaws 4-5].

194  
195 E. ARTICLE V. STIPENDS AND COMPENSATION

- 196 a. This section provides a list of stipends members of the Police Commission are eligible to  
197 receive, in addition to clarification that a full day of training is required to receive a training  
198 stipend [Proposed Bylaws 5-1] in accordance with the Boards, Committees and  
199 Commissions law [1 O.C. 105.13-3] and resolution number BC-05-08-19-B. Clarification  
200 is added that besides travel, per diem and business expense reimbursement authorized by  
201 the Boards, Committees and Commissions law; Police Commission members are not  
202 eligible for any other form of compensation for duties/activities [Proposed Bylaws 5-2].  
203

204 F. ARTICLE VI. RECORDS AND REPORTING

- 205 a. A requirement was added that agenda items will use the format provided by the BCSO  
206 [Proposed Bylaws 6-1]. This complies with the Boards, Committees and Commissions law  
207 [1 O.C. 105.10-3(f)].
- 208 b. A requirement was added that minutes will be submitted to the BCSO within thirty (30)  
209 calendar days after the Police Commission's approval [Proposed Bylaws 6-2(a)]. This  
210 meets the requirements established by the Boards, Committees and Commissions law [1  
211 O.C. 105.10-(f)].



- c. A provision was added that attachments will be kept so that they can be identified to the meeting with which they were presented and will be maintained according to the Open Records and Open Meetings law [*Proposed Bylaws 6-3*] which requires records to be retained for a period of seven (7) years [*1 O.C. 107.9-4*].
- d. Regular communication with the OBC Liaison was added with the Chairperson of the Police Commission reporting to the Liaison [*Proposed Bylaws 6-4*]. This meets the requirements established in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)(4)*].
- e. A requirement was added in accordance with the Boards, Committees, and Commissions law that all meetings will be audio recorded. The BCSO will approve and/or supply the recording device. All audio recordings will be sent to the BCSO when the minutes are approved by the Police Commission. Executive session is not required to be recorded [*Proposed Bylaws 6-5*]. This complies with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*] and the Open Records and Open Meetings law [*1 O.C. 107.7-3*].

#### G. ARTICLE VII. AMENDMENTS

- a. A provision was added requiring that amendments follow the Boards, Committees and Commissions law and any other policy of the Nation in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(g)*] and that the bylaws will be reviewed as needed but no less than annually [*Proposed Bylaws 7-1*].

### SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS

There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws related to the Police Commissions bylaws.

- A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida Nation Constitution, Article IV, Section 1(g)*]. There are no conflicts between these bylaws and the Oneida Nation Constitution.
- B. Oneida Nation Law Enforcement Ordinance [3 O.C. 301]. This law establishes and contains basic requirements for the Police Commission; specific qualifications are included in the bylaws [*Proposed Bylaws 1-5(e)(4)*]. Hearing procedures are established by this law which are used by the Police Commission for disciplinary proceedings. Police Commissioners are appointed by the OBC for a five-year term [*Proposed Bylaws 1-5(b)*]. Police Commissioners may serve more than one term, but not more than three consecutive terms [*Proposed Bylaws 1-5(b)(1)*]. The responsibilities of the Police Commission are included in the bylaws. The proposed bylaws meet the requirements established in this law and there are no conflicts between the bylaws and this law.
- C. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related to elected and appointed boards, committees and commissions of the Nation. The law governs 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. The Police Commission members are appointed by the OBC [*Proposed Bylaws 1-5(b)*]. The requirements for the Police Commission's bylaws including the required format are contained in this law as well as the requirement to present the bylaws for adoption by the OBC within a reasonable timeframe [*1 O.C. 105.10*]. The proposed bylaws comply with and there are no conflicts between the bylaws and the Boards, Committees and Commissions law.



- 261 D. Conflict of Interest [2 O.C. 217]. This law applies to the Police Commission and establishes  
262 specific limitations to which information or materials that are confidential or may be used by a  
263 competitor of the Nation's enterprises or interests may be used to protect the interests of the Nation.  
264 The Boards, Committees and Commissions law establishes that amended bylaws require members  
265 to disclose potential or real conflicts annually [1 O.C. 105.10-3(d)(5)] and [1 O.C. 105.15]. This  
266 requirement is met in Article IV. 4-5 of the Police Commission Proposed Bylaws. The proposed  
267 bylaws comply and there are no conflicts between the bylaws and the Conflict of Interest law.  
268
- 269 E. Code of Ethics [1 O.C. 103]. The Police Commission members are required to abide by the Code  
270 of Ethics law [Proposed Bylaws 4-1]. This law promotes the highest ethical conduct from elected  
271 and appointed government officials and expects that officials will demonstrate the highest standards  
272 of personal integrity, truthfulness, honesty, and fortitude in all public activities to inspire public  
273 confidence and trust in the governmental officials of the Oneida Nation. Government officials are  
274 also expected to adhere to the laws, customs, and traditions of the Nation. The proposed bylaws  
275 comply and there are no conflicts between the proposed bylaws and the Code of Ethics.  
276
- 277 F. Social Media Policy [2 O.C. 218]. The bylaws require the Police Commission to abide by this law  
278 [Proposed Bylaws 4-4] in accordance with the Boards, Committees and Commissions law [1 O.C.  
279 105.10-3(d)(4)]. This law regulates social media accounts including how content is managed and  
280 who has authority to post on social media on behalf of the Nation. Boards, committees and  
281 commissions must register social media accounts with the Nation's Secretary's Office to include  
282 specific information related to access to the account, acknowledgment and compliance with the  
283 Computer Resource Ordinance and this policy, use a Nation issued email address and ensure all  
284 content complies with all applicable laws of the Nation, state or federal laws. The proposed bylaws  
285 comply and there are no conflicts between the bylaws and the Social Media Policy.  
286
- 287 G. Computer Resources Ordinance [2 O.C. 215]. Police Commission members are considered users  
288 under this law and must comply with the established requirements to ensure appropriate use of the  
289 Nation's computer resources. There are no conflicts between the bylaws and the Computer  
290 Resources Ordinance. Members of an entity must sign an acknowledgment form indicating notice  
291 of the Nation's applicable computer and media related laws according to the Boards, Committees  
292 and Commissions law [1 O.C. 105.14-3(b)].  
293
- 294 H. Travel and Expense Policy [2 O.C. 219]. Members of the Police Commission are eligible to be  
295 reimbursed for travel and per diem to attend a conference or training with the Police Commission  
296 approval. This law details that boards, committees and commissions must detail levels of sign-off  
297 authority required for travel. Two (2) Officers must sign off on budgetary requests and travel  
298 requests require approval by a majority vote of the members in attendance at a regular or emergency  
299 meeting with an established quorum [Proposed Bylaws 2-6] in accordance with requirements  
300 established in this law [2 O.C. 219.4-2]. The proposed bylaws comply and there are no conflicts  
301 between the bylaws and the Travel and Expense Policy.  
302
- 303 I. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained  
304 and made available to the public and requires that meetings are open to the public unless specific  
305 criteria are met which allow the meetings to be closed [1 O.C. 107.15] and [1 O.C. 107.17]. Public  
306 notice of meetings is also required by this law [1 O.C. 107.15-1]. The bylaws delegate the  
307 maintenance of the records to the Police Commission Secretary and Police Commission meetings  
308 are open to the public [Proposed Bylaws 3-1(b)] except portions that meet the exceptions in this  
309 law related to personnel matters or contracts are being discussed and deemed confidential [1 O.C.  
310 107.4]. Meeting packets and backup materials are available to all Police Commission members  
311 and the public [Proposed Bylaws 6-1(b)] and in accordance with this law which states that any



requestor has the right make or receive a copy of a public record [1 O.C. 107.7-2]. The proposed bylaws comply and there are no conflicts between the bylaws and the Open Records and Open Meetings law.

- A. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. BCC's are considered entities [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources Department or designee to ensure drivers, including BCC members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires BCC members (officials) to have written consent from the BCC they serve on prior to being approved to use a Tribal vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources Department with the appropriate license, training certifications, and insurance information [2 O.C. 210.8-1]. Additionally, BCC members must abide by all reporting requirements in this law [2 O.C. 210.9-2].
- a. BCC members who violate this law may be subject to:
    - i. any laws regarding sanctions or penalties; and
    - ii. termination of appointment following the Boards, Committees and Commissions law [1 O.C. 105].



## Oneida Police Commission By-Laws

### Article I. Authority

1.1. *Name.* The name of this entity shall be the Oneida Police Commission and may be referred to as the Police Commission.

1-2. *Authority.* This entity was established under the Oneida Law Enforcement Ordinance, adopted by BC Resolution # 10-10-01-C.

1-3. *Office.* The official mailing address of this entity shall be:

Oneida Police Commission

P.O. Box 376

Oneida, WI 54155

1-4. *Membership.* The Police Commission will be made up of five (5) Oneida Tribal members:

(a) *How appointed.* All members of the Police Commission shall be appointed by the Oneida Business Committee. All appointments to the Police Commission shall be for five (5) year terms.

(b) *How vacancies are filled.* Vacancies on the Police Commission shall be filled by appointment by the Oneida Business Committee in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.

(c) *Qualifications.* All Police Commission members:

(1) Must be a member of the Oneida Tribe.

(2) Must be 25 years of age or older.

(3) Must submit to a complete background investigation. The following would prohibit any person from serving on the Oneida Police Commission:

(A) A felony conviction in the State of Wisconsin or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin.

(B) A felony arrest which results in a misdemeanor conviction due to a plea arrangement.

(C) A conviction of any ordinance violation that could bring discredit to the Commission.

(D) Any pardon issued by the Oneida Tribe or the governor of any State, for an offense specified in section 1-4(c)(3)(A)-(C) shall not deem a person as "exonerated" for the purposes of membership on the Oneida Police Commission.

(4) Must submit to drug testing prior to appointment and on an annual basis.

(5) Must not be an employee of the Oneida Police Department

(6) Shall attend applicable training.

(7) Must be a person of known good standing in the community.

(d) *Removal from office.* In addition to the Removal Law standards, a Commissioner may be removed for:

(1) Malfeasance in office.

(2) Conduct which could jeopardize the reputation of the Oneida Tribe, the Oneida Police Commission or the law enforcement system.



(3) Any change in status which would place the Commissioner in conflict with the qualifications specified in section 1-4(c).

(4) Violation of the confidentiality of closed hearings or any other information declared "confidential" by the Oneida Police Commission..

(e) *Resignation.* Resignations from the Police Commission shall be in writing and presented to the Police Commission for acceptance.

## Article II. Officers

2-1. *Officers.* This entity shall have three (3) officers - President, Vice-President and Secretary/Treasurer.

2-2. *President Duties.* Responsible for calling meetings and notifying members with the assistance of the Secretary/Treasurer. The President shall preside over all regular and special meetings, shall sign all official Police Commission documents, shall be the liaison to the Business Committee and other departments heads and shall perform any and all duties assigned by the Police Commission. The President shall seek clearance from the Oneida Business Committee via the Communications Department for any media requests made of the Police Commission per the Communication Department Media Policy.

2-3. *Vice-President duties.* The Vice-President shall preside at all meetings in the absence of the President and appoint a Vice-President for that meeting. The Vice-President shall work with the President in all matters that concern the Police Commission. In the event of the resignation, removal from office or death of the President, the Vice-President shall assume the role of President until such time as the term of the President would have expired.

2-4. *Secretary/Treasurer Duties.* The Secretary/Treasurer shall keep accurate minutes of all meetings, both regular and special, assuring that the minutes are reported in the proper format. The Secretary/Treasurer shall read and answer all mail abiding by/to the decision of the Police Commission. The Secretary/Treasurer shall report at each monthly meeting on the financial status of the Police Commission's funds.

2-5. *How chosen and length of term.* The officers shall serve terms of one (1) year and shall be elected by a majority vote at the annual meeting which shall be held in September of each year. Terms of office run from the beginning of the fiscal year. No officer shall serve for more than two (2) consecutive terms. In the event of a vacancy, the successor shall be appointed by the Police Commission for the duration of the unexpired term.

2-6. *Personnel.* Any and all hiring of personnel shall be done in accordance with all applicable Oneida personnel policies and procedures and shall be dependent on available funding.

## Article III. Meetings

3-1. *Regular meetings.* The physical meeting place shall be determined at the first meeting of this entity and may change from time to time as determined by the entity but shall be within the Oneida Nation Reservation boundaries unless noticed to the membership prior to designating the meeting location.

(a) The regular meeting of the Police Commission shall be held on the first (1<sup>st</sup>) Thursday of every month. If the first (1<sup>st</sup>) Thursday falls on a holiday, then an alternative date may be selected by the Commission.

(b) Notice of meeting location, agenda and materials shall be forwarded by the President with the assistance of the Secretary/Treasurer.

3-2. *Emergency/Special meetings.* Special meetings may be called by the President or any three (3) members with at least a one (1) day notice.

3-3. *Interview meetings.* Additional meetings for the purpose of applicant interviews may be called by the President with the approval of a majority of the membership.



86 3-4. *Quorum*. A quorum shall consist of three (3) members which shall include the President or the Vice-  
87 President.

88 3-5. *Order of Business*. The regular meetings of the Police Commission shall follow the order of business as  
89 set out herein:

- 90 (a) Call to order
- 91 (b) Approval of the Agenda
- 92 (c) Reading of Minutes
- 93 (d) Correction and Approval of Minutes
- 94 (e) Correspondence and Mail
- 95 (f) Standing and Special Committee Reports
- 96 (g) Old Business
- 97 (h) New business
- 98 (i) Other
- 99 (j) Adjournment

100 In order to facilitate the Police Commission's proceedings, the order of business may be amended or suspended  
101 at any time by a majority of the members.

102 3-6. *Closed Session*. During any meeting, with proper notice, a closed session may be called for by any single  
103 member of the Police Commission for the purpose of discussing matters of a confidential nature. Closed  
104 Sessions are limited to members and such invited persons as the Police Commission deems necessary. The  
105 meeting must be returned to "open session" following the "closed session."

106

#### 107 **Article IV. Stipend**

108 4-1. All members of the Police Commission shall receive reimbursement for expenses and stipends as set out  
109 in this Article according to procedures for payment as set by the Comprehensive Policy Governing Boards,  
110 Committees, and Commissions.

111 (a) Members of the Police Commission shall be paid a stipend for each meeting which has established  
112 a quorum in the amount specified under *Sec. 11-3* of the Comprehensive Policy Governing Boards,  
113 Committees and Commissions, providing such quorum be established for a minimum of one hour, and  
114 providing further, that any member(s) collecting a stipend be present for at least one hour.

115 (b) Under *Sec. 11-5* of the Comprehensive Policy Governing Boards, Committees and Commissions,  
116 Members of the Police Commission are entitled to payment of stipends, in addition to any per diem, for  
117 travel approved by the Commission. The stipend shall be at a rate of \$100.00 for each full day they are  
118 present at the conference. No stipend payments shall be made for those days spent traveling to and from  
119 the conference.

120

#### 121 **Article V. Reporting**

122 5-1. *Format*. Agenda items shall be in an identified format.

123 5-2. *Minutes*. Minutes shall be typed and in a consistent format designed to generate the most informative record  
124 of the meetings of the Commission.

125 5-3. *Attachments*. Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or  
126 may be kept separately, provided that all materials can be identified to the meeting in which they are presented.

127 5-4. *Reporting*. The President will report to the Oneida Business Committee per the Comprehensive Policy  
128 Governing Boards, Committees and Commissions. The reporting format may be as the liaison and the Police



129 Commission agree to, but not less than that required in any policy on reporting developed by the Oneida Business  
130 Committee or Oneida General Tribal Council. Reports shall be made within a reasonable time after a meeting  
131 is held, or as the Oneida Business Committee member liaison and the Police Commission agree. Provided that,  
132 the agreement is to uphold the ability of the liaison to act as a support to that Police Commission.  
133

#### 134 **Article VI. Responsibilities**

135 6-1. *Responsibilities.* The Oneida Police Commission shall perform other responsibilities as listed in the Oneida  
136 Law Enforcement Ordinance:

- 137 (a) Appoint, suspend or remove the Police Chief of the Oneida Police Department.
- 138 (b) Approve all law enforcement officer appointments made by the Police Chief including the promotion  
139 of subordinates.
- 140 (c) Adopt, modify and repeal rules governing how lists of individuals, concluded to be eligible for  
141 appointment to law enforcement officer and promotion, are established.
- 142 (d) Approve competitive examinations used to judge suitability for appointment or promotion of law  
143 enforcement officers.
- 144 (e) Approve an eligibility list of individuals determined to be eligible for appointment as a law  
145 enforcement officer or promotion.
- 146 (f) Suspend law enforcement officers or other appointed personnel of the Police Department pending the  
147 filing and hearing of charges against them, subject to the provisions of Oneida Law Enforcement  
148 Ordinance 37.10-1.
- 149 (g) Initiate charges against law enforcement officers or other appointed personnel of the Police  
150 Department.
- 151 (h) Hear charges filed against law enforcement officers or other appointed personnel of the Police  
152 Department, whether filed by the Commission or the Police Chief, make findings and determinations,  
153 and impose penalties, up to and including termination. Such actions are independent of and exempt from  
154 the Oneida Blue Book, as provided in 37.9-1 of the Oneida Nation Law Enforcement Ordinance.
- 155 (i) Hear appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel.
- 156 (j) Adopt rules governing the Oneida Police Commission's management of its own activities.
- 157 (k) Review contracts, and forward to the Oneida Business Committee for approval, concerning cross-  
158 deputization, dispatch function and mutual aid pacts which are made between the Oneida Police  
159 Department and a non-tribal agency, per Oneida Law.
- 160 (l) Approve Standard Operating Procedures of the Oneida Police Department.



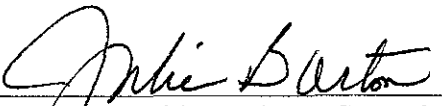
172 **Article VII. Amendments**

173 7-1. *Amendments to the By-Laws.* Amendments shall be made to these by-laws at a regular meeting of the Police  
174 Commission provided that written notice of proposed amendments was made at a prior regular meeting.  
175 Amendments are effective upon adoption of the Police Commission and approval by the Oneida Business  
176 Committee.

177  
178 These by-laws as amended and revised are hereby attested to as adopted by the Police Commission  
179 at a duly called meeting by the President's signature on this 4<sup>th</sup> day of March, 2007.

180  
181   
182 \_\_\_\_\_  
183 President, Oneida Police Commission

184  
185 and by approval of the Oneida Business Committee at a duly called meeting held on this 3<sup>rd</sup>  
186 day of March, 2007 by the Secretary of the Oneida Business Committee's signature.

187  
188   
189 \_\_\_\_\_  
190 Secretary, Oneida Business Committee



# ~~Oneida Police Commission~~ ~~By-Laws~~

## ONEIDA POLICE COMMISSION BYLAWS

### Article I. Authority

1-1. ~~Name.~~ Name. The name of this entity shall be the Oneida Police Commission and may be referred to as the Police Commission.

1-2. ~~Authority. This entity~~ Establishment. The Police Commission was established under the Oneida Nation Law Enforcement Ordinance, adopted by BC Resolution # 10-10-01-C, the Oneida Business Committee through resolution BC-10-10-01-C and amended by resolution BC-02-25-15-C.

1-3. ~~Authority.~~

(a) Purpose of Entity. The purpose of the Police Commission is to regulate the conduct of the Oneida Nation law enforcement personnel according to the highest professional standards. The Police Commission was established to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. The Police Commission is an oversight body and does not involve decision making processes on day-to-day activities of those law enforcement services.

(b) Powers and Duties. The Police Commission has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including but not limited to, the Oneida Nation Law Enforcement Ordinance.

1-4. Office. The official mailing address of ~~this entity~~ the Police Commission shall be:  
Oneida Police Commission  
P.O. Box ~~376~~ 365  
Oneida, WI -54155

1-4. ~~5.~~ Membership.

(a) Number of Members. The Police Commission ~~will be made up~~ shall consist of five (5) ~~Oneida Tribal~~ members.

~~(a) How appointed.~~ (b) Appointed. All members of the Police Commission shall be appointed ~~by the Oneida Business Committee. All appointments to the Police Commission shall be for~~ in accordance with the Boards, Committees and Commissions law to serve a five (5) year ~~terms.~~ term.

(1) Members of the Police Commission may serve more than one (1) term, but not more than three (3) consecutive terms.

~~(b) How vacancies are filled.~~ (2) Members of the Police Commission shall remain in office:

(A) If his or her term has expired, until a successor has been sworn in by the Oneida Business Committee;



(B) Until his or her appointment is terminated; or

(C) Until his or her resignation.

(i) A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Police Commission Chairperson or Chairperson's designee. The resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.

(c) *Vacancies.* Vacancies on the Police Commission shall be filled by appointment by the Oneida Business Committee in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions law.

~~(e)~~ (1) The Chairperson of the Police Commission shall provide the Oneida Business Committee with a recommendation on all applications for appointment to fill a vacancy by the executive session in which the appointment is intended to be made.

(A) The Chairperson shall include in the recommendation whether the applicant meets the qualifications set forth in these bylaws.

(2) For vacancies in unexpired terms, a replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.

(d) *Qualifications.* All Police Commission members:

(1) ~~(1)~~ Must be ~~an enrolled~~ member of the Oneida ~~Tribe~~Nation.

(2) ~~(2)~~ Must be twenty-five (25) years of age or older.

(3) ~~(3)~~ Must submit to a complete background investigation. The following would ~~prohibit~~ disqualify any person from serving on the Oneida Police Commission:

(A) ~~(A)~~ A felony conviction in the State of Wisconsin or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin.

~~(B)~~ A felony arrest which results in a misdemeanor conviction due to a plea

~~(B)~~ arrangement.

(C) ~~(C)~~ A conviction of any ordinance violation that could bring discredit to the Police Commission, including, but not limited to:

(i) ~~(D)~~ Domestic Abuse; or

(ii) Child Abuse.

(D) Any pardon issued by the Oneida-TribeNation or the governor of any State, state for an offense specified in section 1-4(c)(3)(A)-(C) above shall not deem a person as "exonerated" for the purposes of membership on the Oneida Police Commission.

(4) ~~(4)~~ Must submit to drug testing prior to appointment and on an annual basis.

(5) ~~(5)~~ Must not be an employee of the Oneida Police Department or have been terminated from the Oneida Police Department.



- 92 ~~(6) Shall attend applicable training.~~
- 93 ~~(6)~~ ~~(7)~~ Must be a person of known good standing in the community.
- 94 (e) Duties/Responsibilities.
- 95 (1) Members shall attend regular Police Commission meetings, emergency
- 96 meetings, trainings and conferences as directed by the Police Commission.
- 97 (2) Members shall provide direction; participate in discussion; review Police
- 98 Commission reports and minutes prior to the meetings; and perform other
- 99 duties assigned by the Police Commission. ~~(d) Removal from office. In addition~~
- 100 ~~to the Removal Law standards, a Commissioner may be removed for:~~
- 101 ~~(1) Malfeasance in office.~~
- 102 ~~(2)~~
- 103 (3) Attendance. The Police Commission has high expectations when it comes to
- 104 attendance; therefore, attendance will be closely monitored.
- 105 (A) Six (6) excused absences of a member from any duly called meeting
- 106 of the Police Commission within a one (1) year period may be cause
- 107 for a recommendation by the Police Commission to the Oneida
- 108 Business Committee for termination of that member's appointment in
- 109 accordance with section 1-6 of these bylaws.
- 110 (B) Four (4) unexcused absences of a member from any duly called
- 111 meeting of the Police Commission within a one (1) year period may
- 112 be cause for a recommendation by the Police Commission to the
- 113 Oneida Business Committee for termination of that member's
- 114 appointment in accordance with section 1-6 of these bylaws.
- 115 (i) A member who fails to provide written notice of his or her
- 116 pending absence to a Police Commission Officer at least thirty
- 117 (30) minutes before the start of the duly called missed meeting
- 118 of the Police Commission shall be deemed unexcused.
- 119 (4) Members shall perform all other responsibilities assigned under the Oneida
- 120 Law Enforcement Ordinance, including, but not limited to:
- 121 (A) Appointing, suspending or removing the Police Chief of the Oneida
- 122 Police Department;
- 123 (B) Approving all law enforcement officer appointments made by the
- 124 Police Chief including the promotion of subordinates;
- 125 (C) Adopting, modifying and repealing rules governing how lists of
- 126 individuals, deemed eligible for appointment to law enforcement
- 127 officer and promotion, are established;
- 128 (D) Approving competitive examinations used to judge suitability for
- 129 appointment or promotion of law enforcement officers;
- 130 (E) Approving an eligibility list of individuals determined to be eligible
- 131 for appointment as a law enforcement officer or promotion;
- 132 (F) Suspending law enforcement officers or other appointed personnel of
- 133 the Oneida Police Department pending the filing and hearing of
- 134 charges against them;
- 135 (G) Initiating charges against law enforcement officers or other appointed
- 136 personnel of the Oneida Police Department;
- 137 (H) Hearing charges filed against law enforcement officers or other
- 138 appointed personnel of the Oneida Police Department, whether filed



by the Police Commission or the Police Chief, making findings and determinations, and imposing penalties up to and including termination;

(I) Hearing appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel;

(J) Adopting rules governing the Police Commission's management of its own activities;

(K) Reviewing and forwarding for approval contracts to the Oneida Business Committee relating to cross-deputization, dispatch function and mutual aid pacts which are made between the Oneida Police Department and a non-tribal agency; and

(L) Approving Standard Operating Procedures of the Oneida Police Department.

1-6. Termination. A member of the Police Commission may be terminated in accordance with the Boards, Committees and Commissions law.

(a) The Police Commission may recommend termination of a member from the Police Commission to the Oneida Business Committee for the following:

(1) Misconduct or wrong doing as a member of the Police Commission;

(2) Conduct which could jeopardize the reputation of the Oneida ~~Tribe~~Nation, the ~~Oneida~~ Police Commission or the law enforcement system;

(3) ~~(3)~~ Any change in status which would place the ~~Commissioner~~member of the Police Commission in conflict with the qualifications ~~specified in section 1-4(c).~~for membership set forth in these bylaws;

(4) ~~(4)~~ Violation of the confidentiality of closed hearings or any other information declared ~~"confidential"~~ by the ~~Oneida~~Police Commission; and

~~(c) Resignation.~~ Resignations from the Police Commission shall be in writing and presented to the Police Commission for acceptance.

(5) A disclosure of confidential information acquired by reason of a member's relationship or status with the Police Commission for personal advantage, gain or profit, or for the advantage, gain or profit of a member's relative or associate.

(b) Recommendations to the Oneida Business Committee for termination of a Police Commission member's appointment must be determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

1-7. Trainings and Conferences.

(a) Contingent upon funding, the following trainings/conferences shall be mandatory for members of the Police Commission to attend when directed by majority vote of the members in attendance at a Police Commission meeting of an established quorum:

(1) 1-4 HRD training to save on any travel;

(2) Investigation Case Management;

(3) National Alliance for Drug Endangered Children;

(4) Legal Responsibilities;

(5) Protecting Due Process;



- 186 \_\_\_\_\_ (6) Confidentiality and Reporting;  
 187 \_\_\_\_\_ (7) Disciplinary Measures;  
 188 \_\_\_\_\_ (8) Report Writing;  
 189 \_\_\_\_\_ (9) Ethics;  
 190 \_\_\_\_\_ (10) Hearings;  
 191 \_\_\_\_\_ (11) Gangs;  
 192 \_\_\_\_\_ (12) Youth Interaction;  
 193 \_\_\_\_\_ (13) Suicide;  
 194 \_\_\_\_\_ (14) School Threats;  
 195 \_\_\_\_\_ (15) First Responders;  
 196 \_\_\_\_\_ (16) Evidence Processing;  
 197 \_\_\_\_\_ (17) Drug Related Death;  
 198 \_\_\_\_\_ (18) Interviews and Child Death;  
 199 \_\_\_\_\_ (19) Crime Scene;  
 200 \_\_\_\_\_ (20) Unresolved Cases;  
 201 \_\_\_\_\_ (21) Prosecution and Role of the Prosecutor;  
 202 \_\_\_\_\_ (22) Media Relations;  
 203 \_\_\_\_\_ (23) Cultural Differences to Build Stronger Communities;  
 204 \_\_\_\_\_ (24) Terrorism & Police Measures;  
 205 \_\_\_\_\_ (25) Victim Assistance;  
 206 \_\_\_\_\_ (26) Shared Jurisdiction;  
 207 \_\_\_\_\_ (27) Consent Searches;  
 208 \_\_\_\_\_ (28) Substance Abuse Prevention;  
 209 \_\_\_\_\_ (29) Case Study;  
 210 \_\_\_\_\_ (30) Trauma;  
 211 \_\_\_\_\_ (31) UWSP Outreach Annual Crisis Conference;  
 212 \_\_\_\_\_ (32) UWGB Training; and  
 213 \_\_\_\_\_ (33) UW – Fox Valley Training.  
 214 \_\_\_\_\_ (b) Reimbursement for conferences and trainings shall be subject to the Boards,  
 215 \_\_\_\_\_ Committees and Commissions law and resolution BC-05-08-19-B titled, Amending  
 216 \_\_\_\_\_ Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as  
 217 \_\_\_\_\_ may be further amended from time-to-time hereafter.  
 218 \_\_\_\_\_ (1) Regardless of the number of trainings/conferences that he or she is required  
 219 \_\_\_\_\_ to attend, no member of the Police Commission shall be eligible to receive  
 220 \_\_\_\_\_ stipends for attending more than five (5) full days mandatory trainings/  
 221 \_\_\_\_\_ conferences per year.

## 223 **Article II. -Officers**

- 224 2-1. ~~Officers.~~ ~~This entity~~ The Officer positions of the Police Commission shall ~~have three (3) officers—~~  
 225 ~~President,~~ consist of a Chairperson, a Vice-  
 226 ~~President~~ Chairperson and ~~a Secretary/Treasurer.~~ \_\_\_\_\_  
 227 ~~2-2. President Duties.~~ Responsible  
 228 ~~2-2.~~ Responsibilities of the Chairperson. The duties, responsibilities and limitations of the Chairperson  
 229 \_\_\_\_\_ are as follows:  
 230 \_\_\_\_\_ (a) Shall, with the assistance of the Secretary, be responsible for calling meetings and  
 231 \_\_\_\_\_ notifying members ~~with the assistance of the Secretary/Treasurer. The President shall of~~



- the Police Commission, as well as the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law;
- (b) Shall preside over all ~~regular and special~~ meetings, ~~shall~~ and hearings of the Police Commission;
- (c) Shall sign or designate one to sign all official Police Commission documents, ~~shall~~;
- (d) Shall be the liaison to the Oneida Business Committee and other ~~departments~~ department heads ~~and shall perform any and all~~;
- (e) ~~Shall duties assigned by the Police Commission. The President shall~~ seek clearance from the Oneida Business Committee via the Communications Department for any media requests made of the Police Commission per the Communication Communications Department Media Policy;
- (f) Shall perform any and all duties assigned by the Police Commission;
- (g) Shall submit the recommendations for appointment referred to in section 1-5 and conduct the e-polls referred to section 3-6 of these bylaws; and
- (h) Shall, with assistance of the Secretary or through a designee of the Chairperson, submit annual and semi-annual reports to the Oneida General Tribal Council, as well as quarterly reports to the Oneida Business Committee, as required by the Boards, Committees and Commissions law, and shall attend all Oneida Business Committee meetings in which the Police Commission's quarterly report is an agenda item.

2-3.- Responsibilities of the Vice-President duties. The Chairperson. The duties, responsibilities and limitations of the Vice-President shall Chairperson are as follows:

- (a) Shall preside at all meetings in the absence of the President Chairperson and appoint a Vice-President Chairperson for that meeting. ~~The Vice-President shall;~~
- (b) Shall be responsible for conducting e-polls in the absence of the Chairperson;
- (c) Shall work with the President Chairperson in all matters that concern the Police Commission-; and
- (d) In the event of the resignation, removal/dismissal from office or death of the President, the Vice-President Chairperson, shall assume the role of President Chairperson until such time as the Chairperson's term of the President would have expired.

2-4.- ~~Secretary/Treasurer Duties. The~~ Responsibilities of the Secretary/Treasurer shall. The duties, responsibilities and limitations of the Secretary are as follows:

- (a) Shall keep accurate minutes of all ~~meetings, both~~ regular, emergency and ~~special~~ joint meetings, assuring that the minutes are reported in the proper format. The Secretary/Treasurer shall read and answer all mail abiding by/to the decision of the Police Commission. The Secretary/Treasurer shall report at each monthly meeting on the financial status of the Police Commission's funds. and consistent with the Boards, Committees and Commissions law;
- (b) ~~2-5. How chosen and length of term. The officers~~ Shall assist the Chairperson with the calling and notification of meetings, consistent with section 2-2 of these bylaws, and the submission of the annual, semi-annual and quarterly reports required by the Boards, Committees and Commissions law;
- (c) Shall ensure that all standard operating procedures established by the Police Commission are submitted to the Oneida Business Committee Support Office; and



(d) In the event that both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms, shall call meetings of the Police Commission to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

2-5. Selection of Officers. The Officers shall serve terms of one (1) year and shall be elected by a majority vote of the Police Commission members in attendance at the annual meeting of an established quorum, which shall be held in September of each year.

(a) Terms of office run from the beginning of the fiscal year. ~~No officer shall serve for more than two (2) consecutive terms. In the event of a vacancy, the successor shall be appointed by the Police Commission for the duration of the unexpired term.~~

~~2-6. Personnel. Any and all hiring~~ (b) Officers may hold only one (1) Officer position per Officer term.

(c) Members of ~~personnel shall~~ the Police Commission may be ~~done~~ dismissed from their Officer positions by majority vote of the members in ~~accordance with all applicable Oneida personnel~~ attendance at a Police Commission meeting of an established quorum.

2-6. Budgetary Sign-Off Authority and Travel. The Police Commission shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the Police Commission shall be ~~dependent~~ as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.

(1) All Officers of the Police Commission shall have sign-off authority.

(2) Two (2) Police Commission Officers shall be required to sign-off on ~~available funding~~ all budgetary requests.

(b) Travel requests on behalf of the Police Commission shall be approved by majority vote of the members in attendance at a regular or emergency Police Commission meeting of an established quorum.

2-7. Personnel. From the date these bylaws are adopted by the Oneida Business Committee and moving forward, the Police Commission shall not have authority to hire personnel for the benefit of the Police Commission.

### Article III. Meetings

3-1. Regular Meetings. Regular meetings ~~of~~ the Police Commission shall be held every fourth (4th) Wednesday of the month, commencing at 5:00 p.m., at the Ridgeview Plaza located in Oneida, Wisconsin. If the fourth (4th) Wednesday of the month falls on a holiday, then an alternative date may be selected by the Police Commission in accordance with these bylaws.

(a) The ~~physical~~ meeting ~~place~~ date, time and location shall be ~~determined~~ reviewed at the first meeting of ~~this entity~~ the Police Commission and may change from time ~~to~~ time as ~~determined by the entity but~~ it so determines upon proper notice to all Police Commission members, in writing, and to the public in accordance with governing law prior to the implementation of the new date, time and/or location.



323 \_\_\_\_\_ (1) Meeting locations shall be within the Oneida Nation Reservation boundaries  
324 \_\_\_\_\_ unless ~~noticed to~~ the membership, as well as the public, is given proper  
325 notice,

326 \_\_\_\_\_ consistent with governing law, prior to designating the meeting location.

327 ~~(a) The regular meeting of the Police Commission shall be held on the first (1<sup>st</sup>) Thursday of every month.~~  
328 ~~If the first (1<sup>st</sup>) Thursday falls on a holiday, then an alternative date may be selected by the Commission.~~

329 \_\_\_\_\_ (b) \_\_\_\_\_ Notice of meeting location, agenda, documents and ~~materials~~minutes shall be  
330 forwarded by \_\_\_\_\_ the ~~President~~Chairperson with the assistance of the Executive  
331 Administrator or Secretary/Treasurer, to \_\_\_\_\_ all members of the Police Commission,  
332 in writing, and to the public in accordance \_\_\_\_\_ with governing law, including, but not  
333 limited to, the Nation's Open Records and \_\_\_\_\_ Open Meetings law.

334 \_\_\_\_\_ (c) ~~3-2. Emergency/Special meetings. Special meetings may be called by the President or any~~  
335 ~~three (3) members with at least a one (1) day notice.~~

336 ~~Interview meetings.~~ Additional meetings for the purpose of the applicant interviews \_\_\_\_\_ for Police Chief  
337 or law enforcement officers may be called by the PresidentChairperson with ~~the~~ \_\_\_\_\_ approval  
338 of a majority of the ~~membership~~members making up at least a quorum and so long as \_\_\_\_\_  
339 notice is provided to all members, in writing, and to the public in accordance with \_\_\_\_\_  
340 governing law, including, but not limited to, the Nation's Open Records and Open \_\_\_\_\_  
341 Meetings law.

342  
343 3-2. Emergency Meetings.

344 \_\_\_\_\_ (a) An emergency meeting shall be called to address specific issues of the Police  
345 Commission that will be identified in the notice for the meeting when time sensitive  
346 issues require immediate action.

347 \_\_\_\_\_ (1) Emergency meetings shall require at least a twenty-four (24) hour advance  
348 notice, in writing and by telephone call, to each member of the Police  
349 Commission by the Chairperson or the Chairperson's designee and shall  
350 further require notice to all Police Commission members, as well as the  
351 public, in accordance with governing law, including, but not limited to, the  
352 Nation's Open Records and Open Meetings law.

353 \_\_\_\_\_ (2) Notice of an emergency meeting that is provided via email must be sent to  
354 the official Oneida Nation email address that was provided to each member  
355 to conduct Police Commission business electronically.

356 \_\_\_\_\_ (b) Within seventy-two (72) hours after an emergency meeting, the Police Commission  
357 shall provide the Nation's Secretary with notice of the emergency meeting, the reason  
358 for the emergency meeting, and an explanation of why the matter could not wait for  
359 a regular meeting.

360  
361 3-3. Joint Meetings. Joint meetings with the Oneida Business Committee may be held at the Norbert  
362 Hill Center, Business Committee Conference Room, upon the request of either party  
363 and the agreement of the Oneida Business Committee.

364 \_\_\_\_\_ (a) Notice of the joint meeting agenda, documents and minutes shall be provided, and  
365 the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled,  
366 Oneida Business Committee and Joint Meetings with Boards, Committees and  
367 Commissions – Definitions and Impact, as may be amended from time-to-time  
368 hereafter.

369



3-4. ~~Quorum.~~ A quorum shall consist of three (3) members, one (1) of which shall include the ~~President or the~~ Chairperson, Vice-~~President~~ Chairperson or ~~Secretary,~~ but only if the Secretary is presiding over a meeting in accordance with section 2-4(d) of these bylaws.

3-5. ~~Order of Business.~~ The regular meetings of the Police Commission shall follow the order of business as set out herein:

(a) ~~Call to order~~

(b) ~~Approval of the Agenda~~ agenda

(c) ~~Reading~~ Approval of ~~Minutes~~ the minutes

(d) ~~Correction and Approval~~ approval of ~~Minutes~~ the minutes

(e) ~~Correspondence and Mail~~ mail

(f) ~~Standing and Special Committee Reports~~

(g) ~~Old Business~~ business

(h) ~~New business~~

(i) ~~Other~~

(j) ~~Adjournment~~

(1) ~~In order to~~ To facilitate the Police Commission's proceedings, the order of business may be amended or suspended at any time by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

(2) ~~Executive~~ Executive ~~Closed Session.~~ During any meeting, with proper notice, ~~a closed~~ an executive session may be called ~~for~~ by any single member of the Police Commission for the purpose of ~~discussing matters of a~~ a confidential nature. ~~Closed Sessions~~ Executive sessions are limited to members and such invited persons as the Police Commission deems necessary. The meeting must be returned to "open session" following the ~~"closed"~~ "executive session."

### ~~3-6. Article IV. Stipend~~

~~4-1. All members of the Police Commission shall receive reimbursement for expenses and stipends as set out in this Article according to procedures for payment as set by the Comprehensive Policy Governing Boards, Committees, and Commissions.~~

(a) ~~Members~~ Voting ~~Decisions~~ of the Police Commission shall be ~~paid a stipend for each meeting which~~ based on a majority vote of the members present at a regular or emergency Police Commission meeting of an established ~~a~~ quorum.

(a) The Chairperson or Officer presiding at the meeting in the ~~amount specified under Sec. 11-3 of the Comprehensive Policy Governing Boards, Committees and Commissions,~~ providing such quorum be established for a minimum Chairperson's absence shall vote only in the case of one hour, and providing further, that any member(s) collecting a stipend be present for at least one hour. a tie.

(b) ~~Under Sec. 11-5 of~~ E-Polls are permitted and shall be conducted in accordance with the Comprehensive Policy Governing requirements listed in the Boards, Committees and Commissions law.

(1) In the Chairperson's absence, the Vice-Chairperson shall serve as the designee for conducting e-polls.



**Article IV. Expectations**

**4-1. Behaviors of Members.** Members of the Police Commission ~~are entitled to payment~~ shall act in accordance with the Oneida Code of ~~stipends, in addition to any per diem, for travel approved by the Ethics.~~

(a) **Enforcement.** Any member of the Police Commission ~~The~~ found to be in violation of these bylaws or any other laws of the Nation may be subject to a recommendation from the Police Commission to the Oneida Business Committee for termination of that member in accordance with the Boards, Committees and Commissions law and/or the imposition of sanctions and/or penalties according to the laws and policies of the Nation governing sanctions and penalties for appointed officials.

(1) Recommendations to the Oneida Business Committee for termination of a Police Commission member's appointment must be determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

**4-2. Prohibition of Violence.** Intentionally violent acts committed by a member of the Police Commission 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 an immediate recommendation for termination of appointment from the Police Commission and/or the imposition of sanctions and/or penalties according to the laws and policies of the Nation governing sanctions and penalties for appointed officials as determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

**4-3. Drug and Alcohol Use.** Use of alcohol and prohibited drugs by members of the Police Commission when acting in their official capacity is strictly prohibited.

(a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances 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.

**4-4. Social Media.** Police Commission members shall abide by the Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the Police Commission.

**4-5. Conflict of Interest.** Police Commission members shall abide by all laws of the Nation governing conflicts of interest. Members must submit a Conflict of Interest form upon taking their oath of office and annually thereafter.

**Article V. Stipends and Compensation**

**5-1. Stipends.** Police Commission members are eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards,



Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

- (a) A stipend ~~shall be at a rate of \$100.00~~ for attending a duly called meeting of the Police Commission for up to one (1) meeting per month.
- (b) A stipend for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
- (c) A stipend for conducting an official hearing of the Police Commission.
- (d) A stipend for attending a duly called joint meeting between the Police Commission and the Oneida Business Committee.
- (e) A stipend for each full day ~~they are a member is present at the~~ conference. ~~No stipend payments shall be made for those days spent traveling to and from the~~ or training when attendance at the conference or training is required by law, bylaws or resolution.

5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, members of the Police Commission shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the Police Commission.

## Article ~~V~~-V1. Records and Reporting

~~5-6.1. Format.~~ *Agenda Items.* Agenda items shall be ~~in an identified format~~ maintained in the format provided by the Oneida Business Committee Support Office.

5  
6-2. *Minutes.* Minutes shall be typed ~~and in a consistent~~ the format ~~designed~~ provided by the Oneida Business Committee Support Office to generate the most informative record of the meetings of the Police Commission.

5 (a) All minutes shall be submitted to the Oneida Business Committee Support Office within thirty (30) calendar days of the Police Commission's approval.

6-3. *Attachments.* Handouts, reports, memoranda and the like may be ~~attached to the minutes and agenda, or may be kept separately;~~ provided ~~that all, the~~ materials can be identified to the meeting in which they ~~are~~ were presented, and shall be maintained in accordance with the Nation's Open Records and Open Meetings law.

~~5-4. Reporting.~~ The President will

6-4. *Oneida Business Committee Liaison.* The Chairperson shall regularly report to the Oneida Business Committee ~~per member who is the Comprehensive Policy Governing Boards, Committees and Commissions.~~ Police Commission's designated liaison.

- (a) The reporting format ~~may~~ and frequency for communication shall be as the liaison and the Police Commission agree to, but not less than that required in any law of the Nation or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.
- (b) Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and the Police Commission agree. ~~Provided,~~ provided that, the agreement is ~~to uphold~~ aimed at upholding the ability of the liaison to act as a support to ~~that the~~ Police Commission.

## Article VI. Responsibilities

~~6-1. Responsibilities.~~ The Oneida 5. *Audio Recordings.* All meetings of the Police Commission shall perform



other responsibilities as listed in the Oneida Law Enforcement Ordinance:

- ~~(a) Appoint, suspend or remove the Police Chief of the~~ be audio recorded using a recording device approved and/or supplied by the Oneida Business Committee Support Office.  
The audio recordings shall be sent to the Oneida Police Department.
- ~~(b) Approve all law enforcement officer appointments made by the Police Chief including the promotion of subordinates.~~
- ~~(c) Adopt, modify and repeal rules governing how lists of individuals, concluded to be eligible~~ Business Committee Support Office quarterly, ~~for appointment to law enforcement officer and promotion,~~ purposes of maintaining, when the minutes are established.
- ~~(d) Approve competitive examinations used to judge suitability for appointment or promotion of law enforcement officers.~~
- ~~(e) Approve an eligibility list of individuals determined to be eligible for appointment as a law enforcement officer or promotion.~~
- ~~(f) Suspend law enforcement officers or other appointed personnel of the Police Department pending the filing and hearing of charges against them, subject to the provisions of Oneida Law Enforcement Ordinance 37.10-1.~~
- ~~(g) Initiate charges against law enforcement officers or other appointed personnel of the Police Department.~~
- ~~(h) Hear charges filed against law enforcement officers or other appointed personnel of the Police Department, whether filed~~ approved ~~by the Police Commission or the Police Chief, make findings and determinations, and impose penalties, up to and including termination. Such actions are independent of and exempt from the Oneida Blue Book, as provided in 37.9-1 of the Oneida Nation Law Enforcement Ordinance.~~
- ~~(i) Hear appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel.~~
- ~~(j) Adopt rules governing the Oneida Police Commission's management of its own activities.~~
- ~~(k) Review contracts, and forward to the Oneida Business Committee for approval, concerning cross-deputization, dispatch function and mutual aid pacts which are made between the Oneida Police Department and a non-tribal agency, per Oneida Law.~~
- ~~(l) Approve Standard Operating Procedures of the Oneida Police Department.~~

(a) Audio recordings of executive session portions of a meeting are not required.

## Article VII. Amendments

7-1.- ~~Amendments to the By-Laws.~~ Bylaws. Amendments ~~shall~~ may be made to these ~~by-laws~~ bylaws at a regular meeting of the \_\_\_\_\_ Police Commission provided that written notice of ~~the~~ the proposed amendments ~~was made~~ is \_\_\_\_\_ given at a prior regular meeting— and the amendments conform to \_\_\_\_\_ the \_\_\_\_\_ Boards, \_\_\_\_\_ Committees and Commissions law, as well as any other policy of the Nation.

(a) Amendments are effective upon adoption of the Police Commission and approval by \_\_\_\_\_ the Oneida Business Committee.



(b) The Police Commission shall review these bylaws from time to time as needed, but no less than on an annual basis.

These ~~by laws~~ bylaws as amended and revised are hereby attested to as adopted by the Oneida Police Commission at a duly called meeting by the ~~President's~~ Chairperson's signature on this      day of     , 20    , 2019

President  
Chairperson, Oneida Police Commission

and by approval of the Oneida Business Committee at a duly called meeting held on this      day of     , 20    , 2019 by the Secretary of the Oneida Business Committee's signature.

Secretary, Oneida Business Committee



**Oneida Business Committee Agenda Request**

Approve the Oneida Pow-wow Committee bylaws amendments

**1. Meeting Date Requested:** 9 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



## ONEIDA POW-WOW COMMITTEE BYLAWS

### Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Pow-wow Committee and may hereinafter be referred to as the Committee.
- 1-2. *Establishment.* This Committee was officially established by the Oneida Business Committee through adoption of resolution BC-04-13-90-B and is further recognized by the Oneida Business Committee through its approval of these bylaws on October 15, 1997 and subsequent amendments on February 3, 1999, February 23, 2005, June 23, 2010, April 22, 2016, June 2, 2015, and December 10, 2018.
- 1-3. *Authority.* The purpose of the Committee is to coordinate and manage annual Pow-wows in order to encourage people to enjoy and participate in social activities, such as dancing, singing, visiting, the renewing of old friendships and the making of new ones, through the authority delegated to the Committee by the laws of the Nation.
- 1-4. *Office.* The official mailing address of the Committee shall be:  
Oneida Pow-wow Committee  
P.O. Box 365  
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The Committee shall be made up of no more than nine (9) members and no less than (5) 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 Boards, Committees and Commissions law.
- (A) *Term Expiration.* Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.
- (B) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Committee Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
- (b) *Appointment.* Each Committee member shall be appointed in accordance with the Boards, Committees and Commissions law to serve a three (3) year term.
- (1) Committee members shall not be limited in the number of terms that can be served consecutively or otherwise.



- 46 (c) *Vacancies.* Vacancies on the Committee shall be filled in accordance with  
47 the Boards, Committees and Commissions law.
- 48 (1) The Committee Chairperson shall review application materials and  
49 provide the Oneida Business Committee with recommendations on  
50 applicants for appointment by the executive session in which  
51 appointments are intended to be made.
- 52 (d) *Qualifications of Members.* Committee members shall meet the following  
53 qualifications:
- 54 (1) Must be an enrolled member or a descendant of an enrolled member  
55 of the Oneida Nation;
- 56 (2) Must be at least eighteen (18) years of age or older;
- 57 (3) Must never have been convicted of a felony or misdemeanor related  
58 to any of the following:
- 59 (A) Fraud;
- 60 (B) Theft; and/or
- 61 (C) Violent or sexual misconduct; and
- 62 (i) Any pardon issued by the Nation or the governor of  
63 any state for a conviction specified above shall not  
64 deem a person as “exonerated” for purposes of  
65 qualifying for membership on the Committee.
- 66 (4) Must be able to dedicate weekends and nights to Committee related  
67 obligations/activities.
- 68 (5) Within the pool of candidates that meet the requirements of sub-  
69 sections (1) through (4), the Oneida Business Committee shall give  
70 preference to those that have experience coordinating a Pow-wow  
71 event or coordinating some other large community event.
- 72
- 73 1-6. *Termination of Appointment.* A member's appointment may be terminated in accordance  
74 with the Boards, Committees and Commissions law.
- 75 (a) A violation of any of the expectations set forth in Article IV of these bylaws  
76 shall be cause for the Committee to place the matter on its next agenda for  
77 a vote by a majority of members in attendance at a Committee meeting of  
78 an established quorum on whether to make a recommendation to the Oneida  
79 Business Committee for termination of the member's appointment in  
80 accordance with the Boards, Committees and Commissions law.
- 81
- 82 1-7. *Trainings and Conferences.* Mandatory trainings/conferences for Committee members  
83 shall be as follows:
- 84 (a) Each member shall be required to attend no more than one (1) full day of a  
85 training or conference per year;
- 86 (b) Trainings/conferences shall be limited to the following subject areas:
- 87 (1) Planning/coordinating Pow-wow events;
- 88 (2) Ethics; and
- 89 (3) Event planning in general, whether relating to a Pow-wow event or  
90 otherwise.



- (c) Attendance shall be subject to approval of the Committee Chairperson and contingent upon financing.
- (d) Attending and/or participating in a Pow-wow does not constitute mandatory trainings/conferences for purposes of stipend eligibility.
- (e) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the Committee shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

## Article II. Officers

- 2-1. *Officers.* The Committee shall have four (4) Officer positions: Chairperson, Vice-Chairperson, Treasurer and Secretary.
- 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson of the Committee shall be as follows:
- (a) To call and preside over all meetings of the Committee and, with the assistance of the Secretary, forward notice of meeting location, agenda, documents and minutes in accordance with the Boards, Committees and Commissions law.
  - (b) To be an ex officio member of all subcommittees of the Committee and keep the Committee informed as to the business of the Committee and Pow-wows.
  - (c) To sign and execute all contracts or other instruments, as needed, that have been duly authorized under the Nation's accounting policies and, with the assistance of the Treasurer, maintain the Committee's books and records in accordance with all laws of the Nation.
  - (d) With the assistance of the Secretary, to submit annual and semi-annual reports to the Oneida General Tribal Council and submit quarterly reports to the Oneida Business Committee as required by the Boards, Committees and Commissions law.
  - (e) To attend, or designate a Committee member to attend, the meetings of the Oneida Business Committee where the Committee's quarterly report is on the agenda.
  - (f) The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. These duties and responsibilities are subject to change based on organizational needs and/or as deemed necessary by the Committee.
- 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson shall be as follows:
- (a) In the absence of the Chairperson, to conduct meetings of the Committee.
  - (b) In the absence of the Chairperson, to sign and execute all contracts or other instruments, as needed, that have been duly authorized under the Nation's accounting policies.



- (c) The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. These duties and responsibilities are subject to change based on organizational needs and/or as deemed necessary by the Committee.

2-4. *Responsibilities of the Treasurer.* The duties, responsibilities and limitations of the Treasurer shall be as follows:

- (a) To be aware of and have primary knowledge of all funds and securities of the Committee and deposit of such funds.
- (b) To prepare appropriation requests and, with the assistance of the Chairperson, maintain the Committee's books and records in accordance with all laws of the Nation.
- (c) To report on the condition of the finances of the Committee at each regular meeting of the Committee and at other times as required or requested.
- (d) The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. These duties and responsibilities are subject to change based on organizational needs and/or as deemed necessary by the Committee.

2-5. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary shall be as follows:

- (a) To keep minutes of the Committee meetings in an appropriate format and assist the Chairperson with forwarding the notice of meeting location, agenda, documents and minutes in accordance with these bylaws, the Boards, Committees and Commissions law and the Open Records and Open Meetings law.
- (b) To assist the Chairperson in providing notice of regular and emergency meetings of the Committee in accordance with these bylaws, the Boards, Committees and Commissions law, and the Open Records and Open Meetings law.
- (c) To act as custodian of the records and maintain records in accordance with the Open Records and Open Meetings law.
- (d) To attest to the execution of instruments on behalf of the Committee by the proper Officer.
- (e) To attend to all correspondence and present to the Committee all official communications received by the Committee.
- (f) Along with the Chairperson, to submit annual and semi-annual reports to the Oneida General Tribal Council and submit quarterly reports to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.
- (g) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, call Committee meetings to fill the vacancies and preside over those meetings for the sole purpose of



181 appointing new Officers, at which point the Chairperson, or Vice-  
182 Chairperson in the absence of the Chairperson, shall preside.

- 183 (h) The above duties and responsibilities are not an all-inclusive list but rather  
184 a general representation of the duties and responsibilities associated with  
185 this Officer position. These duties and responsibilities are subject to change  
186 based on organizational needs and/or as deemed necessary by the  
187 Committee.  
188

189 2-6. *Selection of Officers.* The Officers of the Committee shall be appointed by the Committee  
190 for a three (3) year term by a majority vote of the members in attendance at  
191 a regular or emergency Committee meeting of an established quorum.

- 192 (a) Each Officer shall hold his or her office until:

193 (1) The member resigns as an Officer.

- 194 (b) A vacancy of any Officer position shall be filled for the remainder of the  
195 unexpired term by the Committee by a majority vote of the members in  
196 attendance at a regular or emergency Committee meeting of an established  
197 quorum.

- 198 (c) Committee members may be dismissed from their Officer positions by  
199 majority vote of the members in attendance at a Committee meeting of an  
200 established quorum.

- 201 (d) No Officer shall hold more than one (1) Officer position per Officer term.

- 202 (e) The designation of a term shall not grant to the Officer any vested or  
203 contractual rights in serving the term.  
204

205 2-7. *Budgetary Sign-Off Authority and Travel.* The Committee shall follow the Nation's  
206 policies and procedures regarding purchasing and sign-off authority.

- 207 (a) Levels of budgetary sign-off authority for the Committee shall be as set  
208 forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing*  
209 *Policies and Procedures*, for Area Directors/Enterprise Directors.

210 (1) All Committee Officers shall have sign-off authority and two (2)  
211 Officers shall be required to sign-off on all budgetary requests,  
212 including stipends and expenses.

- 213 (b) *Checks, Appropriations and Other Orders of Payment.* All checks and other  
214 orders of payment shall be handled pursuant to the Nation's accounting  
215 policies. All appropriation requests shall be prepared by the Treasurer of the  
216 Committee or, in his or her absence, the Committee Chairperson's designee.

- 217 (c) *Deposits.* All funds of the Committee not otherwise obligated shall be  
218 deposited back into the Pow-wow budget.

- 219 (d) *Standard Operating Procedures.* The Committee shall create standard  
220 operating procedures for cash handling and for other financial/accounting  
221 processes as deemed necessary by the Committee or the Oneida Business  
222 Committee.

223 (1) All standard operating procedures created by the Committee shall  
224 be filed with the Oneida Business Committee Support Office in  
225 accordance with the Boards, Committees and Commissions law.



- 226 (2) The Committee shall review its standard operating procedures on an  
227 annual basis for purposes of updating if necessary.
- 228 (e) *Books and Records.* The Committee's books and records shall be maintained  
229 by the Chairperson and Treasurer of the Committee and shall be available  
230 for examination by any Committee member or any member of the Oneida  
231 Business Committee, along with any other interested party to the extent  
232 authorized under the Open Records and Open Meetings law.
- 233 (f) The Committee shall approve a member's request to travel on behalf of the  
234 Committee by a majority vote of the members in attendance at a regular or  
235 emergency Committee meeting of an established quorum.
- 236
- 237 2-8. *Personnel.* The Committee shall not have authority to hire personnel for the benefit of  
238 the Committee.
- 239 **Article III. Meetings**
- 240 3-1. *Regular Meetings.* Regular meetings of the Committee shall be held on the second Tuesday  
241 of every month, commencing at 4:45 p.m., in Conference Room C of the  
242 Skenandoah Complex located in Green Bay, Wisconsin.
- 243 (a) The regular meeting date, time and/or location shall be reviewed by the  
244 Committee from time-to-time and may change as deemed necessary by a  
245 majority vote of the members making up at least a quorum upon notice to  
246 all members in writing and, along with the public, in accordance with the  
247 Open Records and Open Meetings law prior to the implementation of a new  
248 date, time and/or location.
- 249 (b) Notice of meeting location, agenda, documents and minutes shall be  
250 forwarded by the Chairperson with the assistance of the Secretary to all  
251 Committee members and the public in accordance with these bylaws and  
252 the Open Records and Open Meetings law.
- 253 (c) Meetings shall be run in accordance with Robert's Rules of Order.
- 254
- 255 3-2. *Emergency Meetings.* An emergency meeting may be called when an urgent matter cannot  
256 wait for a regular meeting.
- 257 (a) Emergency meetings of the Committee may be called by the Chairperson  
258 or upon written request of any two (2) Committee members.
- 259 (b) Notice of an emergency meeting shall be given at least forty-eight (48)  
260 hours prior to the date set for any such meeting.
- 261 (1) Advance notice of an emergency meeting shall be provided to all  
262 Committee members in writing, as well as by telephone call, and,  
263 along with the public, in accordance with the Open Records and  
264 Open Meetings law.
- 265 (A) Written notice via email communication must be sent to  
266 the official Oneida Nation email address that was provided  
267 to all members to conduct business electronically on behalf  
268 of the Committee.
- 269 (c) Within seventy-two (72) hours after an emergency meeting, the Committee  
270 shall provide the Nation's Secretary with notice of the emergency meeting,



the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held within the Oneida Business Committee Conference Room of the Norbert Hill Center or at another agreed upon location on an as needed basis per the approval of the Oneida Business Committee.

- (a) Notice of the joint meeting agendas, documents and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

3-4. *Quorum.* A quorum consists of no less than a majority of the current membership and must include the Chairperson or Vice-Chairperson.

- (a) In lieu of the Chairperson and Vice-Chairperson, the Secretary may complete a quorum for meetings that are called pursuant to section 2-5(g) of these bylaws.

3-5. *Order of Business.* The regular meetings of the Committee shall follow the order of business at set out herein:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) Reports
- (g) Other Business
- (h) Executive Session
- (i) Adjournment

3-6. *Voting.* A majority vote of the Committee members in attendance at a meeting of an established quorum is required for official action of the Committee.

- (a) The Chairperson, or Vice-Chairperson if presiding in lieu of the Chairperson or Secretary if presiding under section 2-5(g) of these bylaws, shall not be allowed to vote unless a tie needs to be broken.

- (b) E-Polls are permissible and shall be conducted in accordance with the Boards, Committees and Commissions law.

- (1) The Vice-Chairperson will serve as the Chairperson's designee for the responsibility of conducting an e-poll at the discretion of the Chairperson.

#### **Article IV. Expectations**

4-1. *Behavior of Members.* Committee members are expected to be respectful of others and to arrive at meetings, as well as other Committee related activities, prepared



and on-time. The following behavior constitutes a violation of this section of the bylaws:

- (a) Missing three (3) unexcused consecutive Committee meetings without sufficient justification.

(1) A Committee member will be deemed unexcused if he or she fails to provide written notice of the intended absence to a Committee Officer at least thirty (30) minutes in advance of the meeting that he or she will be absent from.

- (b) Being found guilty of or substantiated for committing any of the following:

(1) Acts of fraud;

(2) Acts of theft; and/or

(3) Any other acts of violence, dishonesty or abuse of power.

- (c) *Enforcement.* If a member violates this or any other section of these bylaws, he or she may be subject to any of the following upon majority vote of the members present at a Committee meeting of an established quorum:

(1) Removal of the member from a meeting or other gathering of the Committee, which could affect the member's stipend eligibility;

(2) Committee action to discipline the member in accordance with any law of the Nation governing sanctions and penalties for appointed officials; and/or

(3) A recommendation for termination of the member's appointment to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing the termination of appointed officials.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the Committee that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, are strictly prohibited.

4-3. *Drug and Alcohol Use.* The use of alcohol and prohibited drugs by a member of the Committee when acting in his or her official capacity is strictly prohibited.

4-4. *Social Media.* Committee members shall comply with the Oneida Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the Committee.

4-5. *Conflict of Interest.* Committee members shall comply with all laws of the Nation governing conflicts of interest.

## **Article V. Stipends and Compensation**

5-1. *Stipends.* Dependent upon available budgeted funds, each Committee member shall be eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards,



Committees and Commissions Law Stipends, as may further be amended from time-to-time hereafter:

- (a) One (1) meeting stipend per month, provided that:
  - (1) A quorum was established;
  - (2) The meeting of the established quorum last for a minimum of one (1) hour; and
  - (3) The Committee member collecting the stipend was physically present for the entire meeting of the established quorum in accordance with the Boards, Committees and Commissions law.
- (b) For attending a conference or training, a stipend for each day of attendance, provided that:
  - (1) The Committee member attended a full day of training or was present at the conference for a full day; and
  - (2) The Committee member's attendance at the conference or training was required by law, bylaws or resolution.
- (c) A stipend for attending a Judiciary hearing if the Committee member's attendance at the hearing is required by official subpoena.
- (d) A stipend for attending a duly called joint meeting between the Committee and the Oneida Business Committee, provided that:
  - (1) A quorum was established by the Committee;
  - (2) The joint meeting lasted for at least one (1) hour; and
  - (3) The Committee member collecting the stipend was physically present for the entire joint meeting.
- (e) Members will be required to fill out a time-sheet for stipend requests.

5-2. *Compensation.* A Committee member shall be compensated on an hourly basis consistent with resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may further be amended from time-to-time hereafter, for services he or she provides during each Pow-wow event, contingent upon available budgeted funds.

- (a) Services provided "during each Pow-wow event" shall include:
  - (1) Services relating to setting up the Pow-wow grounds and/or location;
  - (2) Services provided on the day(s) of the Pow-wow event; and
  - (3) Services relating to taking down/cleaning up the Pow-wow grounds and/or location.
- (b) Committee members shall keep track of their hours of service provided during a Pow-wow event on a timesheet.
- (c) Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law and as further authorized herein, Committee members shall not be eligible to receive any other form of compensation for the duties/activities they perform on behalf of the Committee.



**Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be maintained in a format provided by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed in a format provided by the Oneida Business Committee Support Office and as agreed upon by the Committee to generate the most informative record of the Committee's meeting and shall include a summary of the action taken by the Committee during meetings.

- (a) All minutes shall be submitted to the Oneida Business Committee Support Office within two (2) business days of the meeting date.

6-3. *Attachments.* Any handouts, reports or documents shall be attached to the minutes and agenda from the meeting in which they were presented and kept together in an electronic filing system.

6-4. *Oneida Business Committee Liaison.* The Committee shall meet with the Oneida Business Committee member who is its designated liaison as needed, the frequency and method of communication to be agreed upon between the liaison and the Committee, but no less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

- (a) The Committee shall check in with its liaison on a quarterly basis.
- (b) Purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the Committee.

6-5. *Audio Recordings.* All Committee meetings shall be audio recorded.

- (a) The Oneida Business Committee Support Office shall supply a recording device to the Committee in advance of each meeting.

- (1) The Committee shall return, or the Oneida Business Committee Support Office shall pick up, the recording device within two (2) business days of each meeting.

- (2) Audio recordings shall be maintained by the Oneida Business Committee Support Office.

- (b) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.

**Article VII. Amendments**

7-1. *Amendments.* Amendments shall be made to these bylaws at a regular meeting of the Committee, provided that written notice of the proposed amendments is made at a prior regular meeting.

- (a) The Committee may amend these bylaws by the affirmative vote of a majority of the members in attendance at a Committee meeting of an established quorum.

- (b) Amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.



- 453 (c) Amendments to these bylaws shall be approved by the Oneida Business
- 454 Committee before implementation.
- 455 (d) The Committee shall review these bylaws on an annual basis.
- 456
- 457





## Oneida Pow-wow Committee Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

| REQUESTER:<br>Legislative<br>Reference Office                 | SPONSOR:<br>David P. Jordan   | DRAFTER:<br>Kristen M. Hooker | ANALYST:<br>Maureen Perkins |
|---|---|-------------------------------|-----------------------------|
| Complies with<br>Boards,<br>Committees and<br>Commissions Law | These amendments comply with the Boards, Committees and Commissions law [1 O.C. 105.10].  |                               |                             |
| Intent of the<br>Bylaws                                       | The intent of these amendments is to comply with the Oneida Business Committee (OBC) directives for amendments included in all boards, committees and commissions bylaws.   |                               |                             |
| Purpose   | The purpose of the Pow-wow Committee (Committee) is to coordinate and manage annual pow-wows to encourage people to enjoy and participate in social activities, such as dancing, singing, visiting, the renewing old friendships and the making of new ones, through the authority delegated to the Committee by the laws of the Nation [Proposed Bylaws 1-3].  |                               |                             |
| Related Legislation   | Oneida Nation Constitution, Boards, Committees and Commissions law, Travel and Expense Policy, Open Records and Open Meetings law   |                               |                             |
| Enforcement/Due<br>Process                                    | The Boards, Committees and Commissions law provides the termination process for appointed members. Members of the Committee serve at the discretion of the OBC. Upon the recommendation of a member of the OBC or by majority vote of the Committee [Proposed Bylaws 1-6(a)], a member of the Committee may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC shall be required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal [1 O.C. 105.7-4]. |                               |                             |
| Public Meeting  | Public meetings are not required for bylaws.  |                               |                             |
| Fiscal Impact   | A fiscal impact statement is not required for bylaws.   |                               |                             |

### SECTION 2. BACKGROUND

- A. The Committee bylaws amendments were added to the active files list on October 3, 2018, with David P. Jordan as the sponsor. Although the bylaws amendments were approved by the OBC on February 27, 2019; the bylaws amendments remained on the LOC's active files list for additional OBC directed amendments.
- B. The Committee was officially recognized by the OBC through adoption of resolution BC-04-13-90-B and bylaws were approved by the OBC most recently on February 27, 2019.

### SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- A. The bylaws comply with the Boards, Committees and Commissions law.



- 11 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-  
12 D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar  
13 amounts and eligibility requirements of stipends.  
14 C. The proposed bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business  
15 Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.  
16

## 17 SECTION 4. AMENDMENTS

18 This section details the changes to the bylaws from the bylaws adopted February 27, 2019.

- 19 A. Qualifications. The following qualifications were changed: Committee members must be enrolled or  
20 a descendant of an enrolled member of the Nation [*Proposed Bylaws 1-5(d)(1)*]. The qualification that  
21 a candidate for membership have two (2) years of experience coordinating a Pow-wow, participating  
22 in a Pow-wow, or coordinating a community event was changed to a preference [*Current Bylaws 1-  
23 5(d)(5)*].  
24
- 25 B. Trainings and Conferences. A provision was added that regardless of the number of  
26 trainings/conferences a member of the Committee is required to attend; each member is only eligible  
27 to receive stipends for up to five (5) full days of trainings/conferences attended per year [*Proposed  
28 Bylaws 1-7(e)*].  
29
- 30 C. Open Records and Open Meetings Law. A reference was added that notice of meetings will meet  
31 requirements in the Nation’s Open Records and Open Meetings law [*Proposed Bylaws 2-5(b)*] [*1 O.C.  
32 107.15*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*].  
33
- 34 D. Officers. A provision was added that if both the Chairperson and the Vice-Chairperson positions  
35 become vacant before the end of their terms; the Secretary will call and preside over a meeting until a  
36 new Chairperson and Vice-Chairperson is elected. In this case, the Secretary may create a quorum  
37 [*Proposed Bylaws 2-5(g)*] and [*Proposed Bylaws 3-4(a)*]. Provisions were added that Committee  
38 members may be dismissed from an Officer position by majority vote at a meeting with an established  
39 quorum [*Proposed Bylaws 2-6(c)*] and Committee members may only hold one (1) Officer position per  
40 Officer term [*Proposed Bylaws 2-6(d)*].  
41
- 42 E. Budgetary Sign-Off Authority and Travel. The sign-off authority levels have changed. The Committee  
43 will follow the Nation’s policies and procedures regarding purchasing and sign-off authority and will  
44 use levels for budgetary sign-off authority that are as set forth in the Oneida Tribe of Indians of  
45 Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors. All  
46 Committee Officers shall have sign-off authority and two (2) Officers must sign-off on budgetary  
47 requests, including stipends and expenses [*Proposed Bylaws 2-7(a)*].  
48
  - 49 • Although not applicable to the Committee; the Committee will follow the budgetary sign-off  
50 levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures  
51 Manuel for Area Directors/Enterprise Directors, page 217, which includes the following levels  
52 of sign-off authority:  
53
    - 54 i. Budgeted items with three bids for items between \$3,000 and \$10,000;
    - 55 ii. Unbudgeted items between \$1,000 and \$5,000; and
    - 56 iii. Budgeted but sole source items between \$1,000 and \$5,000.
  - 57 • The Committee will be required to create standard operation procedures (SOP’s) for cash  
58 handling and for other financial/accounting processes as deemed necessary by the Committee  
59 or the OBC. All SOP’s created by the Committee will be filed with the BCSO in accordance  
60 with the Boards, Committees and Commissions law [*1 O.C. 105.12-2*]. The Committee is  
required to update the SOP’s on an annual basis and update as necessary [*Proposed Bylaws 2-  
7(d)*].



- All travel must be authorized by two (2) Officers in accordance with the Travel and Expense Policy [2 O.C. 219.4-2]. All travel must be approved through majority vote of a quorum of Committee members in attendance at a regular or emergency Committee meeting [Proposed Bylaws 2-7(f)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. Committee members may travel in the Nation's vehicles when certified and must follow the Vehicle Driver Certification and Fleet Management law [2 O.C. 210].
- F. Personnel. The Committee does not have the authority to hire personnel for the benefit of the Committee [Proposed Bylaws 2-8].
- G. Emergency Meetings. A provision was added requiring an advance notice in writing and by telephone call to each member of the Committee at least twenty-four (24) hours before an emergency meeting is called. Notice by email must use the official Oneida Nation email provided to each member of the Committee [Proposed Bylaws 3-2(b)(1)].
- H. Joint Meetings. The bylaws contain joint meetings with the OBC [Proposed Bylaws 3-3] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(3)].
- Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled "Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact".
- C. Stipends and Compensation. The ability for the Chairperson to designate someone to sign stipend requests was removed because this provision conflicts with the newly added sign-off authority section [Current Bylaws 5-1(e)(1)] [Proposed Bylaws 2-7(a)]. Committee members are only eligible for travel, per diem and business expense reimbursement [Proposed Bylaws 5-2(c)] as authorized in the Boards, Committees and Commissions law [1 O.C. 105.13-9] in accordance with the Nation's Travel and Expense Policy [2 O.C. 219.4-2].
- D. Expectations. A definition was added for unexcused absence which requires written notice to a Committee Officer at least thirty (30) minutes before the meeting that he or she will be absent from [Proposed Bylaws 4-1(a)(1)].
- E. Social Media. Detail was added requiring Committee members to abide by their oath of office when using social media while acting on behalf of or as a representative of the Committee [Proposed Bylaws 4-4].
- F. Compensation. Detail was added that Committee members are not eligible for any form of compensation except for travel, per diem, business expense reimbursement and hourly compensation for services rendered during each pow-wow event [Proposed Bylaws 5-2(c)].
- G. Amendments. Bylaws will be reviewed by the Board on an annual basis [Proposed Bylaws 7-1(d)].
- H. Minor Changes. Minor changes were made throughout the bylaws amendments for clarity.

## SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS



There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a list of laws referenced in the bylaws amendments.

- A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida Nation Constitution, Article IV, Section 1(g)*]. There are no conflicts between these bylaws and the Oneida Nation Constitution.
- B. Boards, Committees and Commissions [1 O.C. Chapter 105]. This law establishes all requirements related to elected and appointed Boards, Committees and Commissions of the Nation. The law governs 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. The Committee is appointed by the OBC [*Proposed Bylaws 1-5(b)*]. The requirements for entity bylaws are contained in this law as well as a requirement that all existing entities of the Nation comply with the format detailed in the law and present the bylaws for adoption by the OBC within a reasonable timeframe. The proposed bylaws comply with and there are no conflicts with the Boards, Committees and Commissions law.
- C. Travel and Expense Policy [1 O.C. Chapter 219]. Members of the Committee are eligible to be reimbursed for travel and per diem to attend a conference or training in accordance with the Nation's travel policies. A list of eligible training and conference topics is included in Article I. 1-7 of the proposed bylaws. Two (2) of the Officers must sign off on travel requests in accordance with this policy. There are no conflicts between the proposed bylaws and this policy.
- D. Open Records and Open Meetings [1 O.C. Chapter 107]. The Committee must comply with this law which details requirements for how meetings must be noticed and how meeting materials must be maintained. Board meetings will be noticed [*Proposed Bylaws 2-2(a)*] and [*Proposed Bylaws 3-1(a)(1)*] in compliance with this law [*1 O.C. 107.15*]. The Board bylaws delegates the maintenance of the records to the Secretary. The bylaws address the requirement that the records must be maintained according to this law which details that the Secretary is the legal custodian of the records [*Proposed Bylaws 2-5(c)*] and [*1 O.C. 107.6-3*]. Portions of the Committee meetings may be considered closed meeting sessions if exception in this law related to personnel matters or contracts are being discussed and deemed confidential [*1 O.C. 107.4-1*]. Public notice of meetings is also required by this law [*1 O.C. 107.15-1*]. Meeting packets and backup materials are available to all Board members at the meeting [*Proposed Bylaws 2-2(a) and 2-5(a)*] and in accordance with this law which states that any requestor has the right make or receive a copy of a public record [*1 O.C. 107.7-2*]. Audio recordings will be maintained by the BCSO in accordance with this law [*Proposed Bylaws 6-5(a)(2)*] [*1 O.C. 107.7-3*].
- E. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. BCC's are considered entities [*2 O.C. 210.3-1(g)*] and individual members are considered officials [*2 O.C. 210.3-1(j)*] under this law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources Department or designee to ensure drivers, including BCC members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires BCC members (officials) to have written consent from the BCC they serve on prior to being approved to use a Tribal vehicle [*2 O.C. 210.6-1(b)(2)*]. Certification includes providing the Human Resources Department with the appropriate license, training certifications, and insurance information [*2 O.C. 210.8-1*]. Additionally, BCC members must abide by all reporting requirements in this law [*2 O.C. 210.9-2*].
- a. BCC members who violate this law may be subject to:
- i. any laws regarding sanctions or penalties; and
- ii. termination of appointment following the Boards, Committees and Commissions law [*1 O.C. 105*].



## Oneida Pow-wow Committee Bylaws

### Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Pow-wow Committee and may hereinafter be referred to as the Committee.
- 1-2. *Establishment.* This Committee was officially established by the Oneida Business Committee through adoption of resolution BC-04-13-90-B and is further recognized by the Oneida Business Committee through its approval of these bylaws on October 15, 1997 and subsequent amendments on February 3, 1999, February 23, 2005, June 23, 2010, April 22, 2016, June 2, 2015, and December 10, 2018.
- 1-3. *Authority.* The purpose of the Committee is to coordinate and manage annual Pow-wows in order to encourage people to enjoy and participate in social activities, such as dancing, singing, visiting, the renewing of old friendships and the making of new ones, through the authority delegated to the Committee by the laws of the Nation.
- 1-4. *Office.* The official mailing address of the Committee shall be:  
Oneida Pow-wow Committee  
P.O. Box 365  
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The Committee shall be made up of no more than nine (9) members and no less than (5) 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 Boards, Committees and Commissions law.
      - (A) *Term Expiration.* Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.
      - (B) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Committee Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
  - (b) *Appointment.* Each Committee member shall be appointed in accordance with the Boards, Committees and Commissions law to serve a three (3) year term.
    - (1) The Committee Chairperson shall review application materials and provide the Oneida Business Committee with recommendations on



46 applicants for appointment by the executive session in which  
47 appointments are intended to be made.

48 (A) The Chairperson shall recommend the appointment of  
49 qualified applicants who are members of the Oneida Nation  
50 over other qualified non-member applicants.

51 (2) Committee members shall not be limited in the number of terms that  
52 can be served consecutively or otherwise.

53 (c) *Vacancies.* Vacancies shall be filled in accordance with the Boards,  
54 Committees and Commissions law.

55 (1) The Committee Chairperson shall review application materials and  
56 provide the Oneida Business Committee with recommendations on  
57 applicants for appointment by the executive session in which  
58 appointments are intended to be made.

59 (A) The Chairperson shall recommend the appointment of  
60 qualified applicants who are members of the Oneida Nation  
61 over other qualified non-member applicants.

62 (d) *Qualifications of Members.* Committee members shall meet the following  
63 qualifications:

64 (1) Be a member of a federally-recognized Indian tribe;

65 (2) Have a minimum of two (2) years of experience coordinating a Pow-  
66 wow, participating in a Pow-wow, or coordinating a community  
67 event.

68 (A) Priority shall be given to those applicants with experience in  
69 either Pow-wow coordination or Pow-wow participation  
70 over those applicants with experience coordinating  
71 community events unrelated to Pow-wows.

72 (3) Must be at least eighteen (18) years of age or older;

73 (4) Must never have been convicted of a felony or misdemeanor related  
74 to any of the following:

75 (A) Fraud;

76 (B) Theft; and/or

77 (C) Violent or Sexual misconduct.

78 (i) Any pardon issued by the Nation or the governor of  
79 any state for a conviction specified above shall not  
80 deem a person as “exonerated” for purposes of  
81 qualifying for membership on the Committee.

82 (5) Must be able to dedicate weekends and nights to Committee related  
83 obligations/activities.

84  
85 1-6. *Termination of Appointment.* A member's appointment may be terminated in accordance  
86 with the Boards, Committees and Commissions law.

87 (a) A violation of any of the expectations set forth in Article IV of these bylaws  
88 shall be cause for the Committee to place the matter on its next agenda for  
89 a vote by a majority of the quorum of members in attendance on whether to  
90 make a recommendation to the Oneida Business Committee for termination



of the member's appointment in accordance with the Boards, Committees and Commissions law.

1-7. *Trainings and Conferences.* Mandatory trainings/conferences for Committee members shall be as follows:

- (a) Each member shall be required to attend no more than one (1) full day of a training or conference per year;
- (b) Trainings/conferences shall be limited to the following subject areas:
  - (1) Planning/coordinating Pow-wow events;
  - (2) Ethics; and
  - (3) Event planning.
- (c) Attendance shall be subject to approval of the Committee Chairperson and contingent upon financing; and
- (d) Attending and/or participating in Pow-wow events does not constitute mandatory trainings/conferences for purposes of stipend eligibility.

## **Article II. Officers**

2-1. *Officers.* The Committee shall have four (4) Officer positions: Chairperson, Vice-Chairperson, Treasurer and Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson of the Committee shall be as follows:

- (a) Preside at all meetings of the Committee and, with the assistance of the Secretary, forward notice of meeting location, agenda, documents and minutes.
- (b) Shall be an ex officio member of all subcommittees of the Committee, may call joint or emergency meetings, and shall keep the Committee informed as to the business of the Committee and Pow-wows.
- (c) Sign and execute all contracts or other instruments, as needed, that have been duly authorized under the Nation's accounting policies and, with the assistance of the Treasurer, maintain the Committee's books and records in accordance with all laws of the Nation.
- (d) Shall, with the assistance of the Secretary, submit annual and semi-annual reports to the General Tribal Council and submit quarterly reports to the Oneida Business Committee as required by the Boards, Committees and Commissions law.
- (e) Shall attend, or designate a Committee member to attend, the meetings of the Oneida Business Committee where the Committee's quarterly report is on the agenda.
- (f) The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. The duties and responsibilities will be subject to change based on organizational needs and/or as deemed necessary by the Committee.



- 136 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the  
137 Vice-Chairperson shall be as follows:
- 138 (a) In the absence of the Chairperson, shall conduct meetings of the Committee.  
139 (b) In the absence of the Chairperson, shall sign and execute all contracts or  
140 other instruments, as needed, that have been duly authorized under the  
141 Nation's accounting policies.  
142 (c) The above duties and responsibilities are not an all-inclusive list but rather  
143 a general representation of the duties and responsibilities associated with  
144 this Officer position. The duties and responsibilities will be subject to  
145 change based on organizational needs and/or as deemed necessary by the  
146 Committee.  
147
- 148 2-4. *Responsibilities of the Treasurer.* The duties, responsibilities and limitations of the  
149 Treasurer shall be as follows:
- 150 (a) Be aware of and have primary knowledge of all funds and securities of the  
151 Committee and deposit of such funds.  
152 (b) Prepare appropriation requests and, with the assistance of the Chairperson,  
153 maintain the Committee's books and records in accordance with all laws of  
154 the Nation.  
155 (c) Report on the condition of the finances of the Committee at each regular  
156 meeting of the Committee and at other times as required or requested.  
157 (d) The above duties and responsibilities are not an all-inclusive list but rather  
158 a general representation of the duties and responsibilities associated with  
159 this Officer position. The duties and responsibilities will be subject to  
160 change based on organizational needs and/or as deemed necessary by the  
161 Committee.  
162
- 163 2-5. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
164 Secretary shall be as follows:
- 165 (a) Keep minutes of the Committee meetings in an appropriate format and, with  
166 the assistance of the Chairperson, forward notice of meeting location,  
167 agenda, documents and minutes.  
168 (b) Provide notice of regular, emergency and joint meetings of the Committee.  
169 (c) Act as custodian of the records and maintain records in accordance with the  
170 Nation's Open Records and Open Meetings law.  
171 (d) Attest to the execution of instruments on behalf of the Committee by the  
172 proper Officer.  
173 (e) Attend to all correspondence and present to the Committee all official  
174 communications received by the Committee.  
175 (f) Along with the Chairperson, submit annual and semi-annual reports to the  
176 General Tribal Council and submit quarterly reports to the Oneida Business  
177 Committee in accordance with the Boards, Committees and Commissions  
178 law.  
179 (g) The above duties and responsibilities are not an all-inclusive list but rather  
180 a general representation of the duties and responsibilities associated with  
181 this Officer position. The duties and responsibilities will be subject to



change based on organizational needs and/or as deemed necessary by the Committee.

2-6. *Selection of Officers.* The Officers of the Committee shall be appointed by the Committee for a three (3) year term by a majority vote of the quorum in attendance at a regular or emergency meeting.

(a) Each Officer shall hold his or her office until:

(1) The member resigns as an Officer.

(b) A vacancy of any Officer position shall be filled by the Committee by a majority vote of the quorum in attendance at a regular or emergency meeting for the unexpired term.

(c) The designation of a term shall not grant to the Officer any vested or contractual rights in serving the term.

2-7. *Budgetary Sign-Off Authority and Travel.* The Committee shall follow the Nation's policies regarding purchasing and sign-off authority.

(a) Budgetary sign-off authority for the Committee shall be as follows:

(1) Sign-off authority shall occur in accordance with the accounting policies of the Nation.

(2) The Committee Chairperson has sign-off authority on any duly authorized contracts of three thousand dollars (\$3,000) or less.

(b) *Checks, Appropriations and Other Orders of Payment.* All checks and other orders of payment shall be handled pursuant to the Nation's accounting policies. All appropriation requests shall be prepared by the Treasurer of the Committee or, in his or her absence, the Committee Chairperson's designee.

(c) *Deposits.* All funds of the Committee not otherwise obligated shall be deposited back into the Pow-wow budget.

(1) The Committee shall adopt policies and procedures for handling cash, accounting and record keeping for and during all Pow-wows.

(d) *Books and Records.* The Committee's books and records shall be maintained by the Chairperson and Treasurer of the Committee and shall be available for examination by any Committee member or any member of the Oneida Business Committee, along with any other interested party to the extent authorized under the Nation's Open Records and Open Meetings law.

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

2-8. *Personnel.* The Committee has authority, dependent upon budgeted funds and subject to the Oneida Business Committee's approval, to hire personnel for the benefit of the Committee.

(a) The hiring of all Committee personnel shall be conducted in accordance with the Nation's Personnel Policies and Procedures.



**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 held on the second Tuesday of every month.

(a) Notice of meeting location, agenda, documents and minutes shall be forwarded by the Chairperson with the assistance of the Secretary.

(b) Meetings shall be run in accordance with Robert's Rules of Order.

3-2. *Emergency Meetings.* An emergency meeting may be called when a matter cannot wait for a regular meeting.

(a) Emergency meetings of the Committee may be called by the Chairperson or upon written request of any two (2) Committee members.

(b) Notice of an emergency meeting shall be given at least forty-eight (48) hours prior to the date set for any such meeting.

(1) Notice may be communicated in person, by email, or other wire or wireless communication.

(c) Within seventy-two (72) hours after an emergency meeting, the Committee shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the meeting could not wait until the next regular meeting.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held at an agreed upon location on an as needed basis per the approval of the Oneida Business Committee.

(a) Subject to approval from the Oneida Business Committee, joint meetings of the Committee may be called by the Chairperson or upon written request of any two (2) Committee members.

(b) Notice of the meeting location, agenda, documents and minutes shall be forwarded by the Committee Chairperson with the assistance of the Committee Secretary.

3-4. *Quorum.* A quorum consists of no less than a majority of the current membership and must include the Chairperson or Vice-Chairperson.

3-5. *Order of Business.* The regular meetings of the Committee shall follow the order of business at set out herein:

(a) Call to Order

(b) Adopt the Agenda

(c) Approval of Minutes

(d) Old Business

(e) New Business

(f) Reports

(g) Other Business

(h) Executive Session

(i) Adjournment



- 273  
274 3-6. *Voting.* Voting shall be in accordance with a majority vote of the quorum of  
275 Committee members present at a duly called meeting.  
276 (a) The Chairperson shall not be allowed to vote unless a tie needs to be broken.  
277 (b) E-Polls are permissible and shall be conducted in accordance with the  
278 Boards, Committees and Commissions law.  
279 (c) The Vice-Chairperson will serve as the Chairperson's designee for the  
280 responsibility of conducting an e-poll at the discretion of the Chairperson.  
281

#### 282 **Article IV. Expectations**

- 283 4-1. *Behavior of Members.* Committee members are expected to be respectful of others and to  
284 arrive at meetings, as well as other Committee related activities, prepared  
285 and on-time. The following behavior constitutes a violation of this Section  
286 of the bylaws:  
287 (a) Missing three (3) unexcused consecutive Committee meetings without  
288 sufficient justification.  
289 (1) A Committee member will be deemed unexcused if he or she fails  
290 to provide notice of the intended absence to a Committee member  
291 in advance of the meeting that he or she will be absent from.  
292 (b) Being found guilty of or substantiated for committing any of the following:  
293 (1) Acts of fraud;  
294 (2) Acts of theft; and/or  
295 (3) Any other acts of violence, dishonesty or abuse of power.  
296 (c) *Enforcement.* If a member violates this or any other Section set forth in  
297 Article IV of these bylaws, he or she may be subject to any of the following  
298 upon majority vote of the quorum present at a duly called meeting:  
299 (1) Removal of the member from a meeting or other gathering of the  
300 Committee, which could affect the member's stipend eligibility;  
301 (2) Committee action to discipline the member in accordance with any  
302 law of the Nation governing sanctions and penalties for appointed  
303 officials; and/or  
304 (3) A recommendation for termination of the member's appointment to  
305 the Oneida Business Committee in accordance with the Boards,  
306 Committees and Commissions law and/or any other law of the  
307 Nation governing the termination of appointed officials.  
308  
309 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the  
310 Committee that inflicts, attempts to inflict, or threatens to inflict emotional  
311 or bodily harm on another person, or damage to property, are strictly  
312 prohibited.  
313  
314 4-3. *Drug and Alcohol Use.* The use of alcohol and prohibited drugs by a member of the  
315 Committee when acting in his or her official capacity is strictly prohibited.  
316  
317 4-4. *Social Media.* Committee members shall comply with the Oneida Nation's Social Media  
318 Policy.



319  
320 4-5. *Conflict of Interest.* Committee members shall comply with all laws of the Nation  
321 governing conflicts of interest.  
322

323 **Article V. Stipends and Compensation**

324 5-1. *Stipends.* Dependent upon available budgeted funds, each Committee member shall  
325 be eligible for the following stipends as set forth in the Boards, Committees  
326 and Commissions law and resolution BC-09-26-18-D titled Boards,  
327 Committees and Commissions Law Stipends:

328 (a) One (1) meeting stipend per month of seventy-five dollars (\$75) provided  
329 that:

330 (1) A quorum was established;

331 (2) The meeting of the established quorum last for a minimum of one  
332 (1) hour; and

333 (3) The Committee member collecting the stipend was physically  
334 present for the entire meeting of the established quorum in  
335 accordance with the Boards, Committees and Commissions law.

336 (b) For attending a conference or training, a stipend of one hundred dollars  
337 (\$100) for each day of attendance, provided that:

338 (1) The Committee member attended a full day of training or was  
339 present at the conference for a full day; and

340 (2) The Committee member's attendance at the conference or training  
341 was required by law, bylaw or resolution.

342 (c) Stipends for attending Judiciary hearings if the Committee member is  
343 specifically subpoenaed.

344 (d) A stipend of seventy-five dollars (\$75) for attending a duly called joint  
345 meeting between the Committee and the Oneida Business Committee,  
346 provided that:

347 (1) A quorum was established by both the Committee and the Oneida  
348 Business Committee;

349 (2) The joint meeting of established quorums lasted for at least one (1)  
350 hour; and

351 (3) The Committee member collecting the stipend was physically  
352 present for the entire joint meeting.

353 (e) Members will be required to fill out a time-sheet for stipend requests.

354 (1) Stipend requests must be signed by the Committee Chairperson or  
355 Chairperson's designee.  
356

357 5-2. *Compensation.* A Committee member shall be compensated twenty-five dollars (\$25) per  
358 hour for services he or she provides during each Pow-wow event, not to  
359 exceed two hundred dollars (\$200) per day and contingent upon available  
360 budgeted funds.

361 (a) Services provided "during each Pow-wow event" shall include:

362 (1) Services relating to setting up for the Pow-wow event;

363 (2) Services provided on the day(s) of the Pow-wow event; and



(3) Services relating to taking down/cleaning up after the Pow-wow event.

(b) Committee members shall keep track of their hours of service provided during a Pow-wow event on a timesheet.

## **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be maintained in a format provided by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed in a format provided by the Oneida Business Committee Support Office and as agreed upon by the Committee to generate the most informative record of the Committee's meeting and shall include a summary of the action taken by the Committee during meetings.

(a) All minutes shall be submitted to the Oneida Business Committee Support Office within two (2) business days of the meeting date.

6-3. *Attachments.* Attachments to the minutes and agenda from the meeting in which they were presented shall be kept together in an electronic filing system.

6-4. *Oneida Business Committee Liaison.* The Committee shall meet with the Oneida Business Committee member who is its designated liaison as needed, the frequency and method of communication to be agreed upon between the liaison and the Committee.

(a) The Committee shall check in with its liaison on a quarterly basis.

(b) Purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the Committee.

6-5. *Audio Recordings.* All Committee meetings shall be audio recorded.

(a) The Oneida Business Committee Support Office shall supply a recording device to the Committee in advance of each meeting.

(1) The Committee shall return, or the Oneida Business Committee Support Office shall pick up, the recording device within two (2) business days of each meeting.

(2) Audio recordings shall be maintained by the Oneida Business Committee Support Office.

(b) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.

## **Article VII. Amendments**

7-1. *Amendments.* Amendments shall be made to these bylaws at a regular meeting of the Committee, provided that written notice of the proposed amendments is made at a prior regular meeting.

(a) The Committee may amend these bylaws by the affirmative vote of a majority of the quorum present at the meeting.



- 408 (b) Amendments to these bylaws shall conform to the requirements of the  
409 Boards, Committees and Commissions law and any other policy of the  
410 Nation.  
411 (c) Amendments to these bylaws shall be approved by the Oneida Business  
412 Committee before implementation.  
413

414 [SIGNATURE BLOCK NEEDS TO BE ADDED]  
415



~~Oneida Pow-wow Committee Bylaws~~ONEIDA POW-WOW COMMITTEE BYLAWS**Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Pow-wow Committee and may hereinafter be referred to as the Committee.

1-2. *Establishment.* This Committee was officially established by the Oneida Business Committee through adoption of resolution BC-04-13-90-B and is further recognized by the Oneida Business Committee through its approval of these bylaws on October 15, 1997 and subsequent amendments on February 3, 1999, February 23, 2005, June 23, 2010, April 22, 2016, June 2, 2015, and December 10, 2018.

1-3. *Authority.* The purpose of the Committee is to coordinate and manage annual Pow-wows in order to encourage people to enjoy and participate in social activities, such as dancing, singing, visiting, the renewing of old friendships and the making of new ones, through the authority delegated to the Committee by the laws of the Nation.

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

1-5. *Membership.*  
(a) *Number of Members.* The Committee shall be made up of no more than nine (9) members and no less than (5) 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 Boards, Committees and Commissions law.

(A) *Term Expiration.* Although a member's term has expired, he or she shall remain in office until a successor has been sworn in by the Oneida Business Committee.

(B) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Committee Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.

(b) *Appointment.* Each Committee member shall be appointed in accordance with the Boards, Committees and Commissions law to serve a three (3) year term.

~~(1) The Committee Chairperson shall review application materials and provide the Oneida Business Committee with recommendations on~~



~~\_\_\_\_\_ applicants for appointment by the executive session in which~~  
~~\_\_\_\_\_ appointments are intended to be made.~~

~~\_\_\_\_\_ (A) The Chairperson shall recommend the appointment of~~  
~~\_\_\_\_\_ qualified applicants who are members of the Oneida Nation~~  
~~\_\_\_\_\_ over other qualified non-member applicants.~~

~~\_\_\_\_\_ (2)~~ (1) Committee members shall not be limited in the  
 number of terms that can be served consecutively or otherwise.

(c) *Vacancies.* Vacancies on the Committee shall be filled in accordance with  
~~\_\_\_\_\_ the~~ Boards,  
~~\_\_\_\_\_ Committees and Commissions law.~~

(1) The Committee Chairperson shall review application materials and  
 provide the Oneida Business Committee with recommendations on  
 applicants for appointment by the executive session in which  
 appointments are intended to be made. \_\_\_\_\_

~~\_\_\_\_\_ (A) The Chairperson shall recommend the appointment of~~  
~~\_\_\_\_\_ qualified applicants who are members of the Oneida Nation~~  
~~\_\_\_\_\_ over other qualified non-member applicants.~~

(d) *Qualifications of Members.* Committee members shall meet the following  
 qualifications:

(1) ~~Be a~~ Must be an enrolled member or a descendant of ~~a federally-~~  
~~recognized Indian tribe;~~ an enrolled member of the Oneida Nation;

~~\_\_\_\_\_ (2) Have a minimum of two (2) years of experience coordinating a Pow-~~  
~~\_\_\_\_\_ wow, participating in a Pow-wow, or coordinating a community~~  
~~\_\_\_\_\_ event.~~

~~\_\_\_\_\_ (A) Priority shall be given to those applicants with experience in~~  
~~\_\_\_\_\_ either Pow-wow coordination or Pow-wow participation~~  
~~\_\_\_\_\_ over those applicants with experience coordinating~~  
~~\_\_\_\_\_ community events unrelated to Pow-wows.~~

~~\_\_\_\_\_ (3)~~ Must be at least eighteen (18) years of age or older;

~~(4)~~ (3) Must never have been convicted of a felony or misdemeanor related  
 to any of the following:

(A) Fraud;

(B) Theft; and/or

(C) Violent or ~~Sexual~~ sexual misconduct; ~~and~~

(i) Any pardon issued by the Nation or the governor of  
 any state for a conviction specified above shall not  
 deem a person as “exonerated” for purposes of  
 qualifying for membership on the Committee.

~~(5)~~ (4) Must be able to dedicate weekends and nights to Committee related  
 obligations/activities.

(5) Within the pool of candidates that meet the requirements of sub-  
sections (1) through (4), the Oneida Business Committee shall give  
preference to those that have experience coordinating a Pow-wow  
event or coordinating some other large community event.



1-6. *Termination of Appointment.* A member's appointment may be terminated in accordance with the Boards, Committees and Commissions law.

(a) A violation of any of the expectations set forth in Article IV of these bylaws shall be cause for the Committee to place the matter on its next agenda for a vote by a majority of ~~the quorum of~~ members in attendance at a Committee meeting of an established quorum on whether to \_\_\_\_\_ make a recommendation to the Oneida \_\_\_\_\_ Business Committee for termination \_\_\_\_\_ of the member's appointment in \_\_\_\_\_ accordance with the Boards, Committees \_\_\_\_\_ and Commissions law.

1-7. *Trainings and Conferences.* Mandatory trainings/conferences for Committee members shall be as follows:

- (a) Each member shall be required to attend no more than one (1) full day of a training or conference per year;
- (b) Trainings/conferences shall be limited to the following subject areas:
  - (1) Planning/coordinating Pow-wow events;
  - (2) Ethics; and
  - (3) Event planning- in general, whether relating to a Pow-wow event or otherwise.
- (c) Attendance shall be subject to approval of the Committee Chairperson and contingent upon financing; ~~and.~~
- (d) Attending and/or participating in a Pow-wow events does not constitute  
mandatory trainings/conferences for purposes of stipend eligibility.
- (e) Regardless of the number of trainings/conferences that he or she is required  
to attend, no member of the Committee shall be eligible to receive stipends  
for attending more than five (5) full days of mandatory trainings/  
conferences per year.

~~(d)~~

## Article II. Officers

2-1. *Officers.* The Committee shall have four (4) Officer positions: Chairperson, Vice-Chairperson, Treasurer and Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson of the Committee shall be as follows:

- (a) ~~Preside at~~ To call and preside over all meetings of the Committee and, with the \_\_\_\_\_ assistance of the \_\_\_\_\_ Secretary, forward notice of meeting location, agenda, documents and \_\_\_\_\_ minutes in accordance with the Boards, Committees and Commissions law.
- (b) ~~Shall~~ To be an ex officio member of all subcommittees of the Committee; ~~may~~ call joint or emergency meetings, and shall and \_\_\_\_\_ keep the Committee informed \_\_\_\_\_ as to the business of the Committee and Pow-\_\_\_\_\_ wows.
- (c) ~~Sign~~ To sign and execute all contracts or other instruments, as needed, that have been duly authorized under the Nation's accounting policies



and, with the assistance of the Treasurer, maintain the Committee's books and records in accordance with all laws of the Nation.

(d) ~~Shall, with~~ With the assistance of the Secretary, ~~to~~ submit annual and semi-annual ~~reports to the Oneida General Tribal Council~~ and submit quarterly reports ~~to the~~ Oneida Business Committee as required by the Boards, Committees and Commissions law.

(e) ~~Shall~~ To attend, or designate a Committee member to attend, the meetings of ~~the~~ the Oneida Business Committee where the Committee's quarterly report is ~~on~~ on the agenda.

(f) The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. ~~The~~ These duties and responsibilities ~~will be~~ are subject to ~~change~~ change based on organizational needs and/or as deemed necessary by the Committee.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson shall be as follows:

(a) In the absence of the Chairperson, ~~shall~~ to conduct meetings of the Committee.

(b) In the absence of the Chairperson, ~~shall~~ to sign and execute all contracts or ~~other~~ other instruments, as needed, that have been duly authorized under the ~~Nation's~~ Nation's accounting policies.

(c) The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. ~~The~~ These duties and responsibilities ~~will be~~ are subject to ~~change~~ change based on organizational needs and/or as deemed necessary by the Committee.

2-4. *Responsibilities of the Treasurer.* The duties, responsibilities and limitations of the Treasurer shall be as follows:

(a) ~~Be~~ To be aware of and have primary knowledge of all funds and securities of the ~~Committee~~ Committee and deposit of such funds.

(b) ~~Prepare~~ To prepare appropriation requests and, with the assistance of the ~~Chairperson~~ Chair- person, maintain the Committee's books and records in accordance with all laws of the Nation.

(c) ~~Report~~ To report on the condition of the finances of the Committee at each regular meeting of the Committee and at other times as required or requested.

(d) The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. ~~The~~ These duties and responsibilities ~~will be~~ are subject to ~~change~~ change based on organizational needs and/or



as deemed necessary by the \_\_\_\_\_  
Committee.

2-5. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary shall be as follows:

(a) ~~\_\_\_\_\_ (a) \_\_\_\_\_~~ Keep~~To keep~~ minutes of the Committee meetings in an appropriate format and, ~~with \_\_\_\_\_ the assistance of~~ assist the Chairperson, ~~forward~~ with forwarding the notice of meeting location, \_\_\_\_\_ agenda, documents and minutes in accordance with these bylaws, the Boards, Committees and Commissions law and the Open Records and Open Meetings law.

~~\_\_\_\_\_ (b) \_\_\_\_\_ Provide notice of regular, emergency and joint meetings of the Committee.~~  
(b) To assist the Chairperson in providing notice of regular and emergency meetings of the Committee in accordance with these bylaws, the Boards, Committees and Commissions law, and the Open Records and Open Meetings law.

(c) ~~Aet~~To act as custodian of the records and maintain records in accordance with \_\_\_\_\_ the \_\_\_\_\_ Nation's Open Records and Open Meetings law.

(d) ~~Attest~~To attest to the execution of instruments on behalf of the Committee by the \_\_\_\_\_ proper Officer.

(e) ~~Attend~~To attend to all correspondence and present to the Committee all official \_\_\_\_\_ communications received by the Committee.

(f) Along with the Chairperson, to submit annual and semi-annual reports to ~~the \_\_\_\_\_~~ the Oneida General Tribal Council and submit quarterly reports to the \_\_\_\_\_  
\_\_\_\_\_ Oneida Business \_\_\_\_\_ Committee in accordance with the Boards, Committees \_\_\_\_\_ and Commissions \_\_\_\_\_  
\_\_\_\_\_ law.

~~\_\_\_\_\_ (g) \_\_\_\_\_~~ In the event that both the Chairperson and Vice-Chairperson positions \_\_\_\_\_ become vacant before the end of their terms, call Committee meetings to \_\_\_\_\_ fill the vacancies and preside over those meetings for the sole purpose of \_\_\_\_\_ appointing new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

~~\_\_\_\_\_ (h) \_\_\_\_\_~~ The above duties and responsibilities are not an all-inclusive list but rather a general representation of the duties and responsibilities associated with this Officer position. ~~The~~These duties and responsibilities ~~will be~~are subject to \_\_\_\_\_ change \_\_\_\_\_ based on organizational needs and/or as deemed necessary by the \_\_\_\_\_ Committee.

2-6. *Selection of Officers.* The Officers of the Committee shall be appointed by the Committee for a three (3) year term by a majority vote of the ~~quorum~~members in attendance at \_\_\_\_\_ a regular or emergency Committee meeting of an established quorum.

(a) Each Officer shall hold his or her office until:

(1) The member resigns as an Officer.



(b) A vacancy of any Officer position shall be filled for the remainder of the unexpired term by the Committee by a \_\_\_\_\_ majority vote of the ~~quorum~~ members in \_\_\_\_\_ attendance at a regular or emergency \_\_\_\_\_ ~~Committee~~ meeting for the unexpired term of an established \_\_\_\_\_ quorum.

~~(e)~~ (c) Committee members may be dismissed from their Officer positions by \_\_\_\_\_ majority vote of the members in attendance at a Committee meeting of an \_\_\_\_\_ established quorum.

(d) No Officer shall hold more than one (1) Officer position per Officer term.

(e) The designation of a term shall not grant to the Officer any vested or contractual rights in serving the term.

2-7. *Budgetary Sign-Off Authority and Travel.* The Committee shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) ~~Budgetary~~ Levels of budgetary sign-off authority for the Committee shall be as follows:

(1) ~~Sign-off authority shall occur set~~ \_\_\_\_\_ forth in ~~accordance with the accounting~~ \_\_\_\_\_ policies of the Nation. manual titled, Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures, for Area Directors/Enterprise Directors.

(2) ~~The Committee Chairperson has sign-off authority on any duly~~ \_\_\_\_\_ authorized contracts of three thousand dollars (\$3,000) or less.

(1) All Committee Officers shall have sign-off authority and two (2) \_\_\_\_\_ Officers shall be required to sign-off on all budgetary requests, \_\_\_\_\_ including stipends and expenses.

(b) *Checks, Appropriations and Other Orders of Payment.* All checks and other orders of payment shall be handled pursuant to the Nation's accounting policies. All appropriation requests shall be prepared by the Treasurer of the Committee or, in his or her absence, the Committee Chairperson's designee.

(c) *Deposits.* All funds of the Committee not otherwise obligated shall be deposited back into the Pow-wow budget. \_\_\_\_\_

~~(1)~~ (d) Standard Operating Procedures. The Committee shall ~~adopt policies and create standard~~ \_\_\_\_\_ operating procedures for cash handling \_\_\_\_\_ cash, and for other financial/accounting \_\_\_\_\_ processes as deemed necessary by the Committee or the Oneida Business \_\_\_\_\_ Committee.

(1) All standard operating procedures created by the Committee shall \_\_\_\_\_ be filed with the Oneida Business Committee Support Office in \_\_\_\_\_ accordance with the Boards, Committees and ~~record keeping for and~~ \_\_\_\_\_ during all Pow-wows Commissions law.

~~(d)~~ (2) The Committee shall review its standard operating \_\_\_\_\_ procedures on an \_\_\_\_\_ annual basis for purposes of updating if necessary.

(e) *Books and Records.* The Committee's books and records shall be maintained by the Chairperson and Treasurer of the Committee and shall be available



for examination by any Committee member or any member of the Oneida Business Committee, along with any other interested party to the extent authorized under the ~~Nation's~~ Open Records and Open Meetings law.

- (e) The Committee shall approve a member's request to travel on behalf of the Committee by a majority vote of the members in attendance at a regular or emergency Committee meeting of ~~the~~ Committee an established quorum.

2-8. *Personnel.*— The Committee ~~has~~ shall not have authority, ~~dependent upon budgeted funds and subject~~ to the Oneida Business Committee's approval, to hire personnel for the ~~benefit of~~ the Committee.

- (a) ~~The hiring of all Committee personnel shall be conducted in accordance with the Nation's Personnel Policies and Procedures.~~

### Article III. Meetings

3-1. *Regular Meetings.* Regular meetings ~~shall be determined by~~ of the Committee ~~shall be held on the second Tuesday~~ of every month, commencing at 4:45 p.m., in Conference Room C of the Skenandoah Complex located in Green Bay, Wisconsin.

(a) The regular ~~meeting~~ date, time, place and agenda/or location shall be ~~determined at a regular meeting. If~~ no alternate designation is made by the reviewed by the Committee, ~~the regular meetings~~ shall be held on the second Tuesday of every month, from time-to-time and may change as deemed necessary by a majority vote of the members making up at least a quorum upon notice to all members in writing and, along with the public, in accordance with the Open Records and Open Meetings law prior to the implementation of a new date, time and/or location.

- (a) Notice of meeting location, agenda, documents and minutes shall be forwarded by the Chairperson with the assistance of the Secretary to all Committee members and the public in accordance with these bylaws and the Open Records and Open Meetings law.

- (b) Meetings shall be run in accordance with Robert's Rules of Order.

3-2. *Emergency Meetings.* An emergency meeting may be called when ~~an urgent~~ an urgent matter cannot wait for ~~a regular meeting.~~

- (a) Emergency meetings of the Committee may be called by the Chairperson or upon written request of any two (2) Committee members.

- (b) Notice of an emergency meeting shall be given at least forty-eight (48) hours prior to the date set for any such meeting.

(1) ~~Notice may be communicated in person, by email, or other wire or wireless communication.~~

(1) Advance notice of an emergency meeting shall be provided to all Committee members in writing, as well as by telephone call, and,



along with the public, in accordance with the Open Records and Open Meetings law.

(A) Written notice via email communication must be sent to the official Oneida Nation email address that was provided to all members to conduct business electronically on behalf of the Committee.

(c) Within seventy-two (72) hours after an emergency meeting, the Committee shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the ~~meeting~~ matter could not wait until the next regular meeting.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held within the Oneida Business Committee Conference Room of the Norbert Hill Center or at ~~an~~ another agreed upon location on an as needed basis per the approval of the Oneida ~~Business Committee.~~

~~(a) Subject to approval from the Oneida Business Committee, joint meetings of the Committee may be called by the Chairperson or upon written request of any two (2) Committee members.~~

~~(a)~~ ~~(b)~~ Notice of the joint meeting ~~location, agenda~~ agendas, documents and minutes shall be ~~forwarded by the Committee Chairperson~~ provided, and the joint meeting conducted, in accordance with the assistance of the Committee Secretary. resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

3-4. *Quorum.* A quorum consists of no less than a majority of the current membership and must include the Chairperson or Vice-Chairperson.

~~(a) In lieu of the Chairperson and Vice-Chairperson, the Secretary may complete a quorum for meetings that are called pursuant to section 2-5(g) of these bylaws.~~

3-5. *Order of Business.* The regular meetings of the Committee shall follow the order of business at set out herein:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) Reports
- (g) Other Business
- (h) Executive Session
- (i) Adjournment



~~3-6. *Voting.* Voting shall be in accordance with a~~ 3-6. *Voting.* A majority vote of the ~~quorum of~~ present in Committee members ~~attendance~~ an established at a ~~duly called~~ meeting ~~of~~ quorum is required for official action of the Committee.

(a) The Chairperson ~~shall~~ , or Vice-Chairperson if presiding in lieu of the Chairperson or Secretary if presiding under section 2-5(g) of these bylaws, shall not be allowed to vote unless a tie needs to be broken.

(b) E-Polls are permissible and shall be conducted in accordance with the Boards, Committees and Commissions law.

~~(c)~~ (1) The Vice-Chairperson will serve as the Chairperson's designee for the ~~responsibility of conducting an e-poll~~ responsibility of conducting an e-poll at the discretion of the ~~Chairperson.~~

#### Article IV. Expectations

4-1. *Behavior of Members.* Committee members are expected to be respectful of others and to arrive at meetings, as well as other Committee related activities, prepared and on-time. The following behavior constitutes a violation of this ~~Section~~ section of the bylaws:

(a) Missing three (3) unexcused consecutive Committee meetings without sufficient justification.

(1) A Committee member will be deemed unexcused if he or she fails ~~to provide~~ written notice of the intended absence to a Committee ~~member~~ Officer at least thirty (30) minutes in advance of the meeting that he or she will be absent from.

(b) Being found guilty of or substantiated for committing any of the following:

(1) Acts of fraud;

(2) Acts of theft; and/or

(3) Any other acts of violence, dishonesty or abuse of power.

(c) *Enforcement.* If a member violates this or any other ~~Section set forth in~~ Article IV section of these bylaws, ~~he or she may be~~ subject to any of the following ~~upon majority vote of the quorum~~ members present at a duly called Committee meeting ~~of~~ an established quorum:

(1) Removal of the member from a meeting or other gathering of the Committee, which could affect the member's stipend eligibility;

(2) Committee action to discipline the member in accordance with any law of the Nation governing sanctions and penalties for appointed officials; and/or

(3) A recommendation for termination of the member's appointment to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing the termination of appointed officials.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the Committee that inflicts, attempts to inflict, or threatens to inflict emotional



or bodily harm on another person, or damage to property, are strictly prohibited.

4-3. *Drug and Alcohol Use.* The use of alcohol and prohibited drugs by a member of the Committee when acting in his or her official capacity is strictly prohibited.

4-4. *Social Media.* Committee members shall comply with the Oneida Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the Committee.

4-5. *Conflict of Interest.* Committee members shall comply with all laws of the Nation governing conflicts of interest.

## Article V. Stipends and Compensation

5-1. *Stipends.* Dependent upon available budgeted funds, each Committee member shall be eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D ~~titled~~ Boards,

Committees and Commissions Law Stipends, as may further be amended from time-to-time hereafter:

(a) One (1) meeting stipend per month ~~of seventy five dollars (\$75)~~, provided that:

- (1) A quorum was established;
- (2) The meeting of the established quorum last for a minimum of one (1) hour; and
- (3) The Committee member collecting the stipend was physically present for the entire meeting of the established quorum in accordance with the Boards, Committees and Commissions law.

(b) For attending a conference or training, a stipend ~~of one hundred dollars (\$100)~~ for each day of attendance, provided that:

- (1) The Committee member attended a full day of training or was present at the conference for a full day; and
- (2) The Committee member's attendance at the conference or training was required by law, ~~bylaw~~ bylaws or resolution.

(c) ~~Stipends~~ A stipend for attending a Judiciary ~~hearings~~ hearing if the Committee ~~member~~ member's attendance at the hearing is specifically subpoenaed required by official subpoena.

(d) A stipend ~~of seventy five dollars (\$75)~~ for attending a duly called joint meeting between the Committee and the Oneida Business Committee, provided that:

- (1) A quorum was established by ~~both the Committee and the Oneida Business Committee;~~
- (2) The joint meeting ~~of established quorums~~ lasted for at least one (1) hour; and



(3) The Committee member collecting the stipend was physically present for the entire joint meeting.

(e) Members will be required to fill out a time-sheet for stipend requests. —

~~(1) Stipend requests must be signed by the Committee Chairperson or Chairperson's designee.~~

5-2. *Compensation.* A Committee member shall be compensated ~~twenty-five dollars (\$25) per hour~~ on an hourly basis consistent with resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may further be amended from time-to-time hereafter, for services he or she provides during each Pow-wow event, ~~not to exceed two hundred dollars (\$200) per day and~~ contingent upon available budgeted funds.

(a) Services provided “during each Pow-wow event” shall include:

(1) Services relating to setting up ~~for the Pow-wow event~~ grounds and/or location;

(2) Services provided on the day(s) of the Pow-wow event; and

(3) Services relating to taking down/cleaning up ~~after the Pow-wow event~~ grounds and/or location.

(b) Committee members shall keep track of their hours of service provided during a Pow-wow event on a timesheet. —

~~(c) Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law and as further authorized herein, Committee members shall not be eligible to receive any other form of compensation for the duties/activities they perform on behalf of the Committee.~~

## Article VI. Records and Reporting

6-1. *Agenda Items.* Agenda items shall be maintained in a format provided by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed in a format provided by the Oneida Business Committee Support Office and as agreed upon by the Committee to generate the most informative record of the Committee’s meeting and shall include a summary of the action taken by the Committee during meetings.

(a) All minutes shall be submitted to the Oneida Business Committee Support Office within two (2) business days of the meeting date.

6-3. *Attachments.* ~~Attachments~~ Any handouts, reports or documents shall be attached to the minutes and agenda from the meeting in which they were presented ~~shall be~~ and kept together in an electronic filing system.



6-4. *Oneida Business Committee Liaison.* The Committee shall meet with the Oneida Business Committee member who is its designated liaison as needed, the frequency and method of communication to be agreed upon between the liaison and the Committee, but no less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

(a) The Committee shall check in with its liaison on a quarterly basis.

(b) Purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the Committee.

6-5. *Audio Recordings.* All Committee meetings shall be audio recorded.

(a) The Oneida Business Committee Support Office shall supply a recording device to the Committee in advance of each meeting.

(1) The Committee shall return, or the Oneida Business Committee Support Office shall pick up, the recording device within two (2) business days of each meeting.

(2) Audio recordings shall be maintained by the Oneida Business Committee Support Office.

(b) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.

## Article VII. Amendments

7-1. *Amendments.* Amendments shall be made to these bylaws at a regular meeting of the Committee, provided that written notice of the proposed amendments is made at a prior regular meeting.

(a) The Committee may amend these bylaws by the affirmative vote of a majority of the quorum-present members in attendance at thea Committee meeting of an established quorum.

(b) Amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.

(c) Amendments to these bylaws shall be approved by the Oneida Business Committee before implementation.

(d) The Committee shall review these bylaws on an annual basis.

[SIGNATURE BLOCK NEEDS TO BE ADDED]



**Oneida Business Committee Agenda Request**

Accept the August 15, 2019, regular Quality of Life Committee meeting minutes

**1. Meeting Date Requested:** 09 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☒ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.





## Quality of Life Committee

Regular Meeting  
8:30 a.m. Thursday, August 15, 2019  
BC-Executive Conference Room

### Minutes

---

**Present:** Daniel Guzman-King, Tehassi Hill, Ernest Stevens III, Brandon Yellowbird-Stevens  
**Others Present:** Annette Cornelius, Michele Doxtator, Aliskwet Ellis, Chris Hill, Susan House, Patrick Pelky, Deborah Thundercloud, Dr. Vir, Jameson Wilson

#### I. CALL TO ORDER AND ROLL CALL

*Meeting called to order by Ernest Stevens III at 8:34 a.m.*

#### II. APPROVAL OF THE AGENDA

Motion by Tehassi Hill to approve the agenda, seconded by Daniel Guzman-King. Motion carried unanimously.

#### III. APPROVAL OF MEETING MINUTES

##### A. July 11, 2019 Quality of Life Meeting Minutes

Motion by Tehassi Hill to approve the July 11, 2019 Quality of Life meeting minutes, seconded by Daniel Guzman-King. Motion carried unanimously.

#### IV. UNFINISHED BUSINESS

#### V. NEW BUSINESS

##### A. Sovereign Sustainable Wellness and Healing Endowment– Daniel Guzman-King

##### B. Food Sovereignty Endowment– Daniel Guzman-King

Motion by Brandon Yellowbird-Stevens to support the Sovereign Sustainable Wellness and Healing Endowment and the Food Sovereignty Endowment and to draft two memos of support to the Finance Committee, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Daniel Guzman-King to develop a Quality of Life sub-team of two (2) to three (3) individuals including the General Manager Debbie Thundercloud and a member from LOC and LRO to research cultural wellness practices, cultural compensation, and other alternative indigenous health care models, seconded by Brandon Yellowbird-Stevens. Motion carried unanimously.



**VI. REPORTS****A. Tribal Action Plan – Daniel Guzman-King**

Motion by Tehassi Hill to accept the Tribal Action Plan verbal update, seconded by Brandon Yellowbird-Stevens. Motion carried unanimously.

**B. Environmental Issues – Ernest Stevens III**

Motion by Daniel Guzman-King to accept the verbal update, seconded by Brandon Yellowbird-Stevens. Motion carried unanimously.

**C. Quality of Life Quarterly Report FY19 Q3**

Motion by Brandon Yellowbird-Stevens to approve the report and to have the committee members to submit any additions by the Tuesday, August 20, 2019 deadline, seconded by Daniel Guzman-King. Motion carried unanimously.

**VII. ADJOURN**

Motion by Brandon Yellowbird-Stevens to adjourn at 10:03 a.m., seconded by Daniel Guzman-King.



Approve the travel request in accordance with §219.6-1 – Fifteen (15) Oneida Nation Veterans Affairs...  
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 9 / 25 / 19

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Requesting approval to travel and make hotel arrangements.

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Gerald Cornelius, Chairman ONVAC

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Floyd Hill II, Vice Chairman ONVAC

Name, Title / Dept.

Additional Requestor:

John L. Brenuninger, Secretary

Name, Title / Dept.



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

PUPOSES: Attend Native American Veterans Memorial Dedication

BACKGROUND: ONVAC is requesting to participate in the Native American Veterans Dedication in Washington DC, November 2020. Per Business Committee, this request has been brought up at every quarterly meeting for purpose of notification that we will be requesting this travel. Item has been on Quarterly reports since 2017.

Per BC SOP:

- 1) Literature attached (see article)
- 2) Explanation of additional travelers (see above and attached memo)
- 3) Travel Authorization Request (see attached form, template to be used for each traveler)
- 4) Memo re: use/non-use of tribal vehicle (see attached memo)
- 5) Tribal contribution or grant funding (see attached memo)

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org



Oneida Nation  
Oneida Veteran Affairs Committee  
134 Riverdale Dr.  
Oneida, WI 54155



Gerald Cornelius –Chairman  
Floyd Hill II – Vice Chairman  
John L. Breuninger - Secretary  
Arthur Cornelius  
George Greendeer  
Kenneth House  
Benjamin Skenandore  
Dale Webster  
Carol Silva

Kerry Metoxen – Veterans Director  
Jennifer Webster – Liaison

MEMO TO: Oneida Business Committee

FROM: Gerald Cornelius, Chairman *gc*

DATE: 25 September 2019

SUBJ: Procedural Exception: Request for travel Washington DC

Purpose of travel: ONVAC is requesting procedural exception for fifteen members to travel to Washington DC on November 10, 2020 for the Native American Veterans Memorial. Upon GTC's approval of the 2020 budget we would like to reserve the Hotel rooms.

ONVAC has remained within its budget, and in October 2017 we have put this request in all our quarterly reports to the Business Committee.

Attached is a travel request estimates. Attendees with be flying. Funding is from tribal contribution.

We thank you for your consideration to support the Veterans travel request.



## Veterans

# Memorial honoring Native American veterans to open in 2020

By: The Associated Press      March 31



The National Native American [Veterans](#) Memorial, Warriors' Circle of Honor, Harvey Pratt. (National Museum of the American Indian)

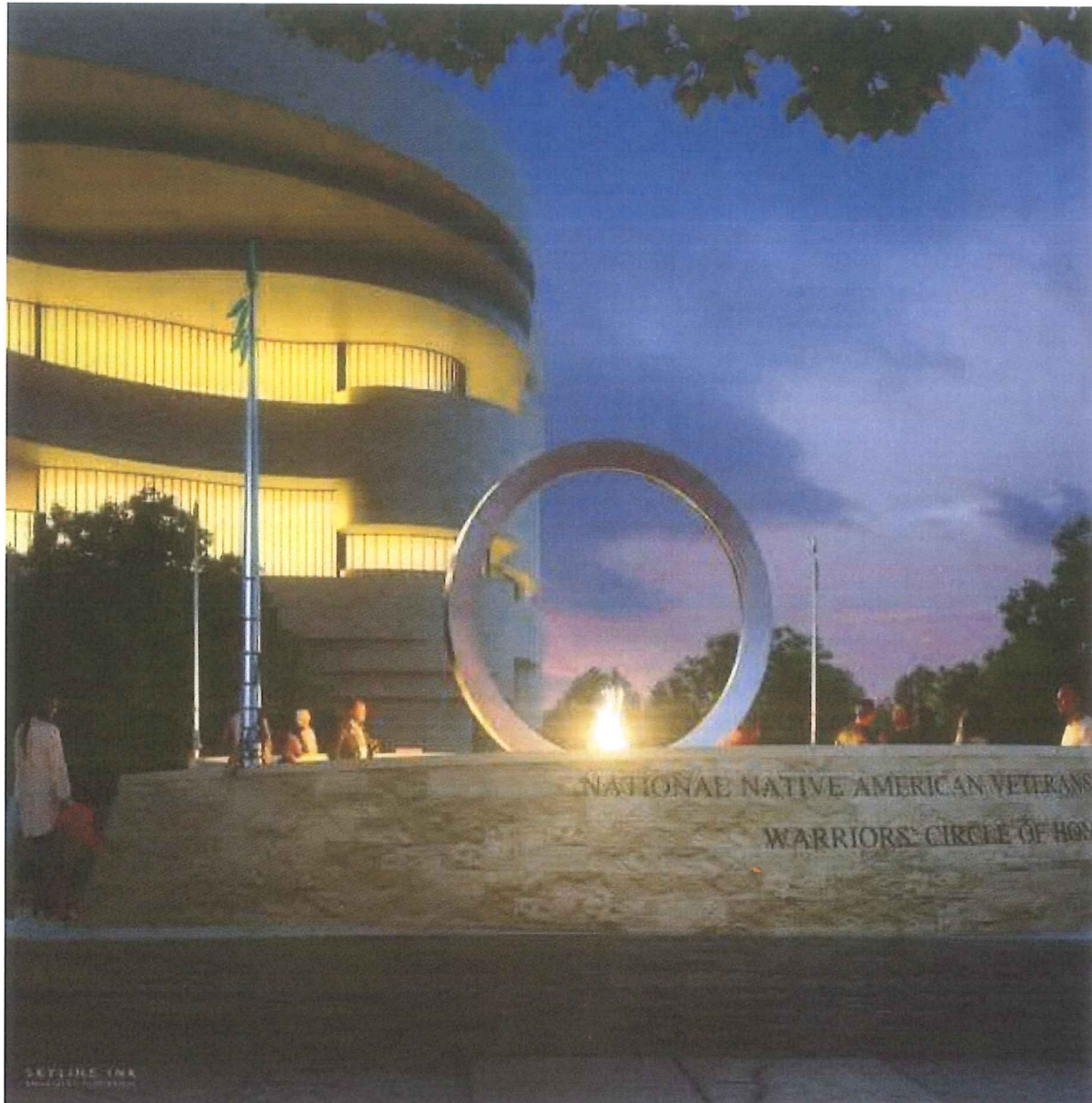
WASHINGTON — A \$15 million memorial honoring Native American and Alaskan Native [military](#) members and veterans is set to open next year in Washington.

The [Washington Post](#) reported Thursday that [design details](#) for the structure titled “[Warriors' Circle of Honor](#)” are still being finalized, though the memorial has been in the works for years.

In 1994, Congress passed legislation mandating the memorial be built at the Smithsonian's National Museum of the American Indian, which opened 10 years later. But the legislation didn't allow the museum to raise [money for](#) it. In 2013, new legislation allowed fundraising.

A dedication ceremony for the steel and stone structure is set for Veterans Day 2020. The U.S. Department of Defense says American Indians and Native Alaskans make up about 1 percent of active duty members.





Posted By [Corinne Oestreich](#) April 21st, 2019 Blog

“The [Washington Post](#) reported Thursday that [design details](#) for the structure titled “[Warriors’ Circle of Honor](#)” are still being finalized, though the memorial has been in the works for years.





*The National Native American Veterans Memorial, view from the pathway. Design by Harvey Pratt/Butzer Architects and Urbanism, illustration by Skyline Ink, courtesy of the Smithsonian's National Museum of the American Indian.*



ONEIDA NATION  
**TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

|   |                                   |               |              |
|---|-----------------------------------|---------------|--------------|
| Name of Traveler  | TBD - 15 members                  |               |              |
| Please list name as it appears on Travelers Driver's License or WI State ID |                                   |               |              |
| Employee #  | TBD                               | Date of Birth | TBD          |
| Destination   | Washington DC                     |               |              |
| Departure date  | November 10, 2020                 | Return date   | Nov 13, 2020 |
| Purpose of travel   | Native American Veterans Memorial |               |              |
| Charged GL Account  | 001-4273012-000-701000-***        |               |              |

**GSA Rate Information for the destination**

|                       |          |                      |           |
|-----------------------|----------|----------------------|-----------|
| Per Diem rate per day | \$ 76.00 | Lodging rate per day | \$ 319.00 |
|-----------------------|----------|----------------------|-----------|

**Cost Estimate Information**

| Description  | Rate     | Factor | Days/<br>Miles | Total  |
|--|----------|--------|----------------|--|
| Per Diem initial travel date   | \$ 76.00 | 0.75   | 1              | \$ 57.00                                     |
| Per Diem full day at destination   | \$ 76.00 | 1.00   | 2              | \$ 152.00                                    |
| Per Diem return travel date  | \$ 76.00 | 0.75   | 1              | \$ 57.00                                     |
| Subtract included meals  |          |        |                | \$ 0.00                                      |
| Lodging including room rate plus taxes   | \$ 319   |        | 3              | \$ 957 <i>24,135</i>                         |
| Airfare  | \$ 9400. |        |                | \$ 9,400.00                                  |
| Private Car Mileage  | \$ 0     |        |                | \$ 0.00                                      |
| Taxi or car rental   | \$ 600.+ |        |                | \$ 600.00                                    |
| Luggage Fees   | \$ 720.  |        |                | \$ 720.00                                    |
| Registration – accept VISA?      Yes / No  | \$ 0     |        |                | \$ 0.00                                      |
| Allowable price adjustment<br>If travel arrangements exceed the <u>Total Cost Estimate</u> re-approval is required |          |        |                | \$ 200.00                                    |
| <b>Total Cost Estimate</b>   |          |        |                | <b>\$ <del>12,143.00</del> <i>24,741</i></b> |

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses. I also understand that if this advance is not cleared within 10 calendar days after my travel return date, I shall be held responsible for the full amount advanced and that I may be reprimanded in accordance with the Personal Policies and Procedures for my failure to clear this matter within the time so allotted. Further, in the event that the advance payment is not cleared within 10 calendar days of my return, and I have not filed a formal written dispute as to the amount due, by signing below, I am hereby making a knowing and voluntary wage deduction for the entire amount outstanding.

**Signatures / Approvals**

|                  | Signature               | Date           | Contact Phone # |
|------------------|-------------------------|----------------|-----------------|
| Traveler         |                         |                |                 |
| Program Director | <i>Donald Cornelius</i> | <i>9-10-19</i> | Not needed      |
| General Manager  |                         |                | Not needed      |



Approve the travel request of Councilman Kirby Metoxen Treaty Days Bayfield, WI - September 29-30,...

## Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 9 / 25 / 19 ☐ e-poll requested

### 2. General Information:

Event Name: Treaty Days 2019

Event Location: Bayfield, WI Attendee(s): Kirby Metoxen

Departure Date: Sep 29, 2019 Attendee(s):

Return Date: Sep 30, 2019 Attendee(s):

### 3. Budget Information:

- ☐ Funds available in individual travel budget(s)  
☐ Unbudgeted  
☒ Grant Funded or Reimbursed

Cost Estimate: \$310.65

### 4. Justification:

Describe the justification of this Travel Request:

Councilman Kirby Metoxen is the representative of the Oneida Nation on the NATOW (Native American Tourism of Wisconsin) a consortium of the 11 Tribal Nations in Wisconsin. The NATOW board will be attending the Commemorating the signing of the Treaty of 1854 (Treaty Day 2019) Red Cliff Band of Lake Superior Chippewa. There will also be a Chippewa Federation Meeting including sessions with elders, hereditary chiefs, tribal leaders, and spiritual leaders about the island which is open to the public. All Travel expenses is covered by NATOW Board.

### 5. Submission

Sponsor: Kirby Metoxen, Councilmember

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org



**Oneida Business Committee Travel Request**

**1. OBC Meeting Date Requested:** 9 / 25 / 19 ☐ e-poll requested

**2. General Information:**

Event Name: Treaty Days 2019

Event Location: Bayfield, WI Attendee(s): Kirby Metoxen

Departure Date: Sep 29, 2019 Attendee(s):

Return Date: Sep 30, 2019 Attendee(s):

**3. Budget Information:**

☐ Funds available in individual travel budget(s)

☐ Unbudgeted

☒ Grant Funded or Reimbursed

Cost Estimate: \$310.65

**4. Justification:**

Describe the justification of this Travel Request:

Councilman Kirby Metoxen is the representative of the Oneida Nation on the NATOW (Native American Tourism of Wisconsin) a consortium of the 11 Tribal Nations in Wisconsin. The NATOW board will be attending the Commemorating the signing of the Treaty of 1854 (Treaty Day 2019) Red Cliff Band of Lake Superior Chippewa. There will also be a Chippewa Federation Meeting including sessions with elders, hereditary chiefs, tribal leaders, and spiritual leaders about the island which is open to the public. All Travel expenses is covered by NATOW Board.

**5. Submission**

Sponsor: Kirby Metoxen, Councilmember

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# MONINGWAANE'AKAANING MINIS 1854 TREATY COMMEMORATION WEEKEND

*Gaye Giinawind Geyaabi Omaa (And We Are Still Here)*

| Day  | Time             | Activity  | Location  |
|--|------------------|---|---|
| <b>Friday, September 27<sup>th</sup></b>   | 6:00am           | Fire Lighting/Sunrise Ceremony  | Memorial Park   |
|  | 9:00am           | Site Set-up   | Ball Field/Pavilion   |
|  | <b>10:00pm</b>   | <b>Last Ferry to Bayfield</b>   | <b>Ferry Dock</b>   |
| <b>Saturday, September 28<sup>th</sup></b> | 6:00am           | Sunrise Ceremony  | Memorial Park   |
|  | 6:00pm           | Memorial Feast – <b>Potluck</b>   | Memorial Park   |
|  | <b>10:00pm</b>   | <b>Last Ferry to Bayfield</b>   | <b>Ferry Dock</b>   |
| <b>Sunday, September 29<sup>th</sup></b>   | 6:00am           | Sunrise Ceremony  | Memorial Park   |
|  | 7:00am           | Welcome Breakfast – <b>Potluck</b>  | Memorial Park   |
|  | 8:00am           | Kayaking Moningwaane'akaaning (weather permitting)  | Starting Point at Bad River NorthShore Properties (see map) |
|  | 9:00am           | Oshki Anishinaabe Baaga'adowewin (Youth La Crosse)  | Ball Field  |
|  | 10:00am          | Taste of Ojibwe: Mijjim (Food) Booths Open  | Ball Field  |
|  |                  | Ojibwe Arts & Crafts Booths Open  | Ball Field  |
|  |                  | Mad Dog and Miller Grilling Challenge (set-up and episode filming)  | Ball Field/Pavilion   |
|  |                  | Island Tours  | Pavilion (Starting point)                                   |
|  |                  | Wild Rice Processing w/Mole Lake  | Ball Field/Pavilion   |
|  | 11:00am – 1:00pm | Powwow Set-up   | Ball Field  |
|  | 12:00pm-1:00pm   | Cook-out/Lunch  | Pavilion  |
|  | 1:00pm – 5:00pm  | Social Powwow   | Ball Field  |
|  |                  | Makazinataagewin (moccasin games) & Bagesiwin (women's dish game)   | Tent  |
|  | 4:30pm           | Feast Set-up  | Pavilion  |
|  | 5:00pm           | Elk Feast – <b>Potluck</b>  | Pavilion  |
| <b>Monday, September 30<sup>th</sup></b>   | <b>7:30pm</b>    | <b>Last Ferry to Bayfield</b>   | <b>Ferry Dock</b>   |
|  | <b>9:00pm</b>    | <b>Ghost Ferry to Bayfield</b>  | <b>Ferry Dock</b>   |
|  | 9:00am           | <b>Chippewa Federation Meeting</b><br>History Presentation w/Invited Guests, Youth, Elders, Hereditary Chiefs, Clan Chiefs, Drum Keepers Insights | Tent in Ball Field  |
|  | 11:00am          | <b>Signing of Partnership Agreement w/Tribes &amp; Governor Evers</b>   | Tent in Ball Field  |
|  | 12:00pm          | Lunch   | Pavilion  |
|  | <b>7:30pm</b>    | <b>Last Ferry to Bayfield</b>   | <b>Ferry Dock</b>   |

Bring Your Own Lawn Chairs, Plates and Utensils! Let us take care of our Mother and Reduce Waste!



Approve the travel request - Councilman Kirby Metoxen - Repatriation of Oneida Children from Carlisle...

## **St. Paul's Episcopal Church (Hudson) and Church of the Holy Apostles (Oneida)**

### **Repatriation Program and Church Visit**

**WHEN:** Saturday and Sunday combination: October 5/6 (preferred date) or November 23/24

**WHERE:** St. Paul's Episcopal Church, Hudson

**WHAT:** Saturday night program telling the story of the repatriation of 3 Oneida teenage girls who died at the Carlisle Indian Industrial School in Pennsylvania about 1900 and were brought back to Oneida for burial in 2019. The funeral for one girl was at the church with burial at the church cemetery and the other two girls were buried at the Oneida sacred burial grounds. Also the history of the Church of the Holy Apostles as the oldest Episcopal Church in the state of Wisconsin.

**WHO:** The Rev. Rodger Patience, rector and parishioner Kirby Metoxen to tell the stories. The Oneida Singers, an a cappella singing group from the church, would provide music in the Oneida language (approximately 10 singers).

#### **How:**

Saturday schedule: Afternoon: Group would arrive from Oneida (4 hours via Highway 29 and I-94)

5 pm: Evening meal—possibly pot luck at the church? Fellowship supper?

7 pm: Program for church members and the public

9 pm: Lodging with host families from St. Paul's and hotels

Sunday schedule: 10 am: Church services featuring Father Guy, Father Rodger Patience with music by the Oneida Singers (1 or 2 services?)

Fellowship hour and send off

#### **Planning/execution by church members for program to happen:**

1. Potluck participation for Saturday evening
2. Lodging—host families or cash donations for hotel stays
3. Sunday morning breakfasts—host families or hotels
4. Marketing to other churches and the general public for program and church service
5. Gifts for visitors

#### **Cross promotion:**

1. St. Paul's parish going to Oneida in the future to experience a church service there and visit the Oneida reservation and other cultural offerings—bison farm, orchard, museums, Packers



**Oneida Business Committee Travel Request**

**1. OBC Meeting Date Requested:** 9 / 25 / 19 ☐ e-poll requested

**2. General Information:**

Event Name: Speaker for the Repatriation of Oneida Children from Carlisle Boarding School

Event Location: Hudson, WI Attendee(s): Kirby Metoxen

Departure Date: Oct 5, 2019 Attendee(s):

Return Date: Oct 6, 2019 Attendee(s):

**3. Budget Information:**

☒ Funds available in individual travel budget(s)

☐ Unbudgeted

☐ Grant Funded or Reimbursed

Cost Estimate: \$272.50

**4. Justification:**

Describe the justification of this Travel Request:

Councilman Kirby Metoxen is the representative from Oneida Nation and was asked to speaker regarding the three Oneida children (Jamima Metoxen, Ophelia Powless, and Sophia Caulon) who were brought back to Oneida, after being buried in Carlisle, PA over 100 years ago. He is going to talk about his experience with the archaeological and anthropological team from the US Army Corps of Engineers (USACE) who excavated the graves and then analyze the remains. Kirby will also be talking about the different beliefs, ceremonies and traditional practices that came up throughout the process.

**5. Submission**

Sponsor: Kirby Metoxen, Councilmember

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**Oneida Business Committee Travel Request**

Approve the travel request - Chairman Tehassi Hill, Secretary Lisa Summers, and one (1) additional...

1. **OBC Meeting Date Requested:** 9 / 25 / 19 ☐ e-poll requested

**2. General Information:**

Event Name: National Congress of American Indians 76th Annual Convention & Marketplace

Event Location: Albuquerque, NM Attendee(s): Tehassi Hill

Departure Date: Oct 20, 2019 Attendee(s): Lisa Summers

Return Date: Oct 25, 2019 Attendee(s): undetermined

**3. Budget Information:**

☒ Funds available in individual travel budget(s)

☐ Unbudgeted

☐ Grant Funded or Reimbursed

Cost Estimate: \$ 2,300/person

**4. Justification:**

Describe the justification of this Travel Request:

Members of the Business Committee should attend the National Congress of American Indians (NCAI) Annual Meeting in order to discuss Oneida Nation concerns and bring back legislative updates and concerns; this request is for up to three (3) to attend.

Participating at NCAI forums allows the Oneida Nation to continue its effort to advance policy items to ensure the sovereignty of our Nation is not diminished, but enhanced. This forum allows the Oneida Nation an opportunity to work with other Tribal Nations throughout the United States on similar matters that impact our nation. NCAI can address our concerns at a Federal Level to United States Government Legislators and its agencies. At least one Oneida Nation Government Official should attend these meetings to represent our Nation.

NCAI was established in 1944 in response to the termination and assimilation policies the US government forced upon tribal governments in contradiction of their treaty rights and status as sovereign nations. The mission of NCAI is to protect and enhance treaty and sovereign rights and improve the quality of life for Native people.

Chairman Hill and Secretary Summers have indicated their interest in attending.

**5. Submission**

Sponsor: Lisa Summers, Secretary

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# 76th Annual Convention & Marketplace

## Albuquerque, NM | October 20-25, 2019

Albuquerque Convention Center, 401 2nd St. NW

### Saturday, October 19

1:00pm - 5:00pm      NCAI Executive Board Meeting

### Sunday, October 20

9:00am - 5:00pm      Task Force and Work Group Meetings

1:00pm - 5:00pm      Registration/Rules & Credentials Open

### Monday, October 21

7:00am - 8:00am      Native Prayer Sunrise Gathering

7:30am - 5:00pm      Registration/Rules & Credentials/Resolutions (open for duration of the Convention)

9:00am - 12:00pm      Concurrent Breakouts

12:00pm - 1:00pm      New Member Orientation

12:00pm - 1:00pm      Marketplace Grand Opening Celebration

12:00pm - 5:00pm      Marketplace Open (open through Wednesday)

1:30pm - 4:00pm      First General Assembly

4:15pm - 6:00pm      Full Committee Meetings

6:30pm - 8:30pm      Welcome Reception

### Tuesday, October 22

7:15am - 8:15am      Regional Caucus Meetings

8:30am - 12:00pm      Second General Assembly

12:00pm - 1:00pm      Youth Honoring Luncheon

1:30pm - 4:00pm      Concurrent Breakouts

4:15pm - 6:00pm      Subcommittee Meetings

7:00pm - 10:00pm      Gala Banquet

### Wednesday, October 23

7:00am - 8:00am      Regional Caucus Meetings

8:15am - 9:15am      National Native American Just Move It! Health Walk/Run

9:30am - 12:30pm      Third General Assembly

1:30pm - 4:00pm      Concurrent Breakouts

4:15pm - 6:00pm      Subcommittee Meetings

6:30pm - 9:00pm      Cultural Night

### Thursday, October 24

7:15am - 8:15am      Regional Caucus Meetings

8:00am - 10:00am      NCAI Voting

8:00am - 5:00pm      Marketplace (Arts & Crafts Only)

8:30am - 12:00pm      Fourth General Assembly

12:00pm - 1:00pm      Elders' Honoring Luncheon

1:30pm - 4:00pm      Fifth General Assembly

4:00pm - 6:00pm      Full Committee Meetings

### Friday, October 25

8:30am - 12:00pm      Sixth General Assembly

8:30am - 12:00pm      Marketplace (Arts & Crafts Only)



Review the Complimentary Services or Items (Chapter 7) Oneida Gaming Minimum Internal Controls and

## 2. General Information:

|  |
|--|
|  |
|--|

New Business

Request OBC to accept the OGMICs Complimentary Services or Items Chapter 7 with no requested revisions.

|                                |
|--------------------------------|
| 1. OGC Approval & Cover Letter |
|--------------------------------|

### 3. Management Review Comments & OGC Response

## 2. OGMICs Comp Services or Items Chapter 7\_Final

4.

Mark A. Powless Sr., Chairman Oneida Gaming Commission

Tammy VanSchyndel, Executive Director Oneida Gaming Commission  
Name, Title / Dept.

| Ivory Kelly, Compliance Manager Oneida Gaming Commission |  |
|--|--|
| Name, Title / Dept.                                      |  |
|  |  |



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delay and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class II MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

**ACTION REQUESTED: ACCEPT THE OGMICS COMPLIMENTARY SERVICES OR ITEM CHAPTER 7 WITH NO REQUESTED REVISIONS.**

\*\*\*PLEASE NOTE (OBC ACTION OPTIONS)\*\*\*

Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for OGMIOCR Revisions, the motion for this request would be as follows:

"Accept the notice of the OGMICR Section for Complimentary Services or Items Chapter 7 approved by the Gaming Commission on September 5, 2019, and...

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the OGMICR Section for Complimentary Services or Items Chapter 7 in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the OGMICR Section for Complimentary Services or Items Chapter 7 in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org



**Shannon C. Davis**

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**From:** Melissa M. Alvarado  
**Sent:** Thursday, September 12, 2019 10:06 AM  
**To:** Shannon C. Davis  
**Cc:** GamingCommission\_Compliance; Michelle M. Braaten; Melissa M. Alvarado  
**Subject:** NOTIFICATION: OGMICS Complimentary Services or Items Chapter 7 Final  
**Attachments:** OGMICS Complimentary Services or Items\_Chapter 7 FINAL.pdf

**DATE:** 09/05/19  
**FROM:** Mark Powless Sr.  
**SUBJECT:** OGMICS Complimentary Services or Items Chapter 7 Final

Good Morning,

The Gaming Commission has reviewed the following item(s) and is approved. This will be placed on the next Regular OGC Meeting agenda for retro approval.

1. OGMICS Complimentary Services or Items Chapter 7 Final

If you have any further questions please feel free to contact the Executive Director, Tamara VanSchyndel or OGC Chair Mark Powless Sr. via email [tvansch@oneidanation.org](mailto:tvansch@oneidanation.org) or [mpowles5@oneidanation.org](mailto:mpowles5@oneidanation.org) or at 497-5850.

Thank you.

*Melissa Alvarado*

Administrative Assistant  
Oneida Gaming Commission  
920-497-5850  
Toll Free: 1-800-497-5897  
[malvarad@oneidanation.org](mailto:malvarad@oneidanation.org)



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



## Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

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### Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is *to draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.*

*The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).*

### OGMICs Revision Project

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

### OGMICs Revision Process

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

**Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for Complimentary Services or Items (Chapter 7).**



**Chapter: 7**

**Complimentary Services or Items**

**Table of Contents**

- (a) **Supervision**
- (b) **Complimentary services or items**
- (c) **Record Requirements**
- (d) **Variances**

**All employees and associates are required to adhere to the controls in this section, all other sections, and regulatory documents.**

**Regulatory Credentials Legend:**  
NIGC MICS: Black Font  
OGC Additions: **Blue** Font  
Compact: Gray highlight



**(a) Supervision**

- (1) Supervision shall be provided for approval of complimentary services by an employee with authority equal to or greater than those being supervised.

**(b) Complimentary services or items**

- (1) Controls must be established, and procedures implemented for complimentary services or items that address the following:
  - (i) Agents authorized to approve the issuance of complimentary services or items, including levels of authorization;
  - (ii) Limits and conditions on the approval and issuance of complimentary services or item;
  - (iii) Making and documenting changes to conditions or limits on the approval and issuance of complimentary services or items;
  - (iv) Documenting and recording the authorization, issuance, and redemption of complimentary services or items, including cash and non-cash gifts;
    - (A) Records must include the following for all complimentary items and services equal to or exceeding an amount established by the gaming operation and approved by the OGC:
      1. Name of patron who received the complimentary service or item;
      2. Name(s) of issuer(s) of the complimentary service or item;
      3. The actual cash value of the complimentary service or item;
      4. The type of complimentary service or item (i.e., food, beverage); and
      5. Date the complimentary service or item was issued.

**(c) Record requirements**

- (1) Records must be summarized and reviewed for proper authorization and compliance with established authorization thresholds:
  - (i) A detailed reporting of complimentary services or items transactions that meet an established threshold approved by the OGC must be prepared at least monthly.
  - (ii) The detailed report must be forwarded to management for review

**(d) Variances**

- (1) The operation must establish, as approved by the OGC, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.





**Oneida Gaming Minimum Internal Control Standards**  
**Chapter 7 Complimentary Services or Items: Management Review**

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**Note any questions/concern, including reference to specific point(s):**

| Concern/Question  | Management Suggestion  |
|---|--|
| <p><b>(d) Variances</b></p> <p>(1) The operation must establish, as approved by the OGC, the threshold level at which a variance must be reviewed to determine the cause. Any such review must be documented.</p>   | <p>Accounting Response: Regarding variances, I am respectfully requesting clarification regarding what type of variance would be referred to for comps. In addition; how would this variance threshold be set, documented within the Accounting Comp procedure, and then approved by OGC to ensure there is no misinterpretation as to what exactly a “comp variance” entails/is defined as?</p> <p>For example, if we would have a discrepancy for an employee exceeding their comp limit it would already be covered in b.1.ii so would that also be a variance pertaining to this regulation?</p> <p>Or, would inventory discrepancies fall into this regulation? If so, my concern is departments do not separate their comp inventories from their promotional inventories. Items they have in inventory are used for either category so I do wonder how this would be separated pertaining to “comp” versus “promotional” inventory variances. As a FYI, Accounting does have a zero tolerance for inventory variances and issues an exception report for any inventory variances (whether it be for comp items or promotional items).</p> |
| <p><b>OGC Response</b></p> <p>OGC-Compliance met with Accounting and explained having a documented process (an SOP approved by the OGC) to reconcile the Comp standards (b)(1) and (c)(1), specifically describing how discrepancies/variances are identified and addressed would satisfy this Variance standard. The Gaming Commission agrees the zero-tolerance policy for inventoried items also aligns with the variance standard expectations.</p> |  |



Approve the Intergovernmental Agreement between the Oneida Nation and Brown County for Consolidation of Public Safety Dispatch.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 09 / 25 / 19

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Request approval of the Intergovernmental Agreement between the Oneida Nation and Brown County for consolidation of Public Safety Dispatch. Reference # 2019-0954.

3. Supporting Materials

☐ Report ☐ Resolution ☒ Contract

☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution

☐ Budgeted - Grant Funded

☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:



**ONEIDA LAW OFFICE**  
*CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: April D. Skenandore  
Police Department-Non Emergency

CC: Melinda Danforth

*Use this number on future correspondence:*

**2019-0954**

FROM: Kelly M. McAndrews, Senior Staff Attorney

Kelly M. McAndrews Digitally signed by Kelly M. McAndrews  
Date: 2019.09.11 19:55:20 -05'00'

9-12-19 RJJ

DATE: September 11, 2019

RE: Brown County-Public Safety Communications

Purchasing Department Use

✓

**Contract Approved**

**Contract Not Approved**

(see attached explanation)

*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

- ✓ The document is in appropriate legal form. (*Execution is a management decision.*)
- ✓ This is an intergovernmental agreement, so Melinda Danforth has been cc'ed on this matter.
- ✓ Requires Business Committee approval prior to execution: 1.) Because this is an intergovernmental agreement requiring BC approval.

Note: Although there is a Venue provision (Brown County), #6 (Indemnification) does not limit the assertion of affirmative defenses or limitations of liability.



INTERGOVERNMENTAL AGREEMENT BETWEEN  
ONEIDA NATION AND BROWN COUNTY FOR  
CONSOLIDATION OF PUBLIC SAFETY DISPATCH

This Intergovernmental Agreement ("**Agreement**") is entered into by and between **Oneida Nation** (hereinafter referred to as the "**Tribe**"), a sovereign nation, and **Brown County**, (Department of Public Safety Communications) a body corporate pursuant to Wisconsin Statute §59.01 ("**County**"). Collectively, referred to in the plural as "**Parties**" and in the singular as "**Party**".

RECITALS:

**WHEREAS**, the County provides emergency communication services through its Public Safety Communications Center, herein "**Center**", and the Center operates the Public Safety Answering Point for 9-1-1 service in the County; and,

**WHEREAS**, the **Tribe** operates its own Public Safety dispatching services in cooperation with the **Center**; and,

**WHEREAS**, the **Tribe** wants to use the radio infrastructure owned and operated by the Center but will retain responsibility for dispatching law enforcement; and,

**WHEREAS**, the **Parties** are authorized to enter into an Intergovernmental Agreement for services pursuant to 66.0303, Wisconsin Statutes; and,

**NOW THEREFORE**, in consideration of the above premises and the mutual covenants of the Parties hereinafter set forth, the receipt and sufficiency of which is acknowledged by each **Party**, **Tribe** and **Brown County** do agree as follows:

1. **RECITALS.** The above recitals are true, correct and incorporated herein.
2. **Consideration.** In exchange for the County allowing the Tribe use its radio infrastructure, the Tribe agrees to pay a percentage of the total annual cost of the radio infrastructure. Tribal population as a percentage of the total population of the Brown County will determine the percent of the total Brown County Radio cost to be paid. Additionally, the Tribe will be responsible for the cost of several licenses. Total cost and percentage amounts will be determined by the Center annually to determine cost and population percentage. The cost for the first year FY 2020 radio infrastructure is \$60,453 with



\$35,000 due by October 31, 2019 and the balance of \$25,453 due by January 31, 2020. The additional cost for licenses is \$7,500 due January 31, 2020.

3. **TERM.** Brown County, through the Center, will allow the Tribe to access and use to the County radio infrastructure beginning October 1, 2019 with an estimate of the "cutover" date being October 10, 2019. The term of this Agreement shall be from October 1, 2019 or as soon thereafter as approved by both Parties and executed by both Parties and shall continue through September 30, 2020 ("Term"). This Agreement will be automatically renewed absent notice of termination by either Party ("Renewal Term").
4. **TERMINATION OF CONTRACT.** Either Party at any time may terminate this contract for any reason by tendering 30 days written notice to the other Party.
5. **ASSIGNMENT/TRANSFER.** No Party shall assign or transfer any interest or obligation in this Agreement, without the prior written consent of the other Party.
6. **INDEMNIFICATION.** Each **Party** shall be responsible for the consequences of its own acts errors, or omissions and those of its employees, boards, commissions, agencies, officers, and representatives and shall be responsible for any losses, claims, and liabilities which are attributable to such acts, errors, or omissions including providing its own defense. In situations including joint liability, each **Party** shall be responsible for the consequences of its own acts errors, or omissions and those of its employees, agents, boards, commissions, agencies, officers and representatives. It is not the intent of the **Parties** to impose liability beyond that imposed by state statutes. Neither **Party** waives and specifically reserves their right to assert any and all affirmative defenses and limitations or liability as specifically set forth in Wisconsin Statutes, Chapter 893 and related statutes.
7. **NO WAIVER BY PAYMENT OR ACCEPTANCE.** In no event shall the making of any payment or acceptance of any service or product required by this Agreement constitute or be construed as a waiver by the non-breaching party of any breach of the covenants of this Agreement or a waiver of any default of the breaching party and the making of any such payment or acceptance of any such service or product by the non-breaching party while any such default or breach shall exist shall in no way impair or prejudice the right of the non-breaching party with respect to recovery of damages or other remedy as a result of such breach or default.
8. **NON-DISCRIMINATION.** During the term of this Agreement, both **Parties** agree not to discriminate on the basis of age, race, ethnicity, religion, color, gender, disability, marital status, sexual orientation, national origin, cultural differences, ancestry, physical appearance, arrest record or conviction record, military participation or membership in



the national guard, state defense force or any other reserve component of the military forces of the United States, or political beliefs against any person, whether a recipient of services (actual or potential) or an employee or applicant for employment. Such equal opportunity shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment advertising, layoff, termination, training, rates of pay, and any other form of compensation or level of service(s). Both **Parties** agree to post in conspicuous places, available to all employees, service recipients and applicants for employment and services, notices setting forth the provisions of this paragraph. The listing of prohibited bases for discrimination shall not be construed to amend in any fashion state or federal law, setting forth additional bases and exceptions shall be permitted only to the extent allowable in state or federal law. In all solicitations for employment placed on a **Party's** behalf during the Term of this Agreement, the **Party** shall include a statement to the effect that the Party is an "Equal Opportunity Employer."

9. **CIVIL RIGHTS COMPLIANCE.** Brown County's Civil Rights Compliance Plan shall govern Brown County's activities.
10. **CONTROLLING LAW AND VENUE.** It is expressly understood and agreed to by the **Parties** hereto that in the event of any disagreement or controversy between the **Parties**, Wisconsin law shall be controlling. Venue for any legal proceedings shall be in the Brown County Circuit Court.
11. **LIMITATION OF AGREEMENT.** This Agreement is intended to be an agreement solely between the **Parties** hereto and for their benefit only. No part of this Agreement shall be construed to add to supplement, amend, abridge or repeal existing duties, rights, benefits, or privileges of any third party or parties, including but not limited to employees of either of the **Parties**.
12. **ENTIRE AGREEMENT.** The entire Agreement of the **Parties** is contained herein. This Agreement supersedes any and all oral agreements and negotiations between the Parties relating to the subject matter hereof.
13. **AMENDMENT.** The **Parties** expressly agree that this Agreement shall not be amended in any fashion except in writing executed by both **Parties**.
14. **COUNTERPARTS.** The **Parties** may evidence their agreement to the foregoing upon one or several counterparts of this instrument, which together shall constitute a single instrument.



15. **HEADINGS.** The section titles have been inserted in this Agreement primarily for convenience, and do not define, limit or construe the contents of such paragraphs. If headings conflict with the text, the text shall control.
16. **SEVERABILITY.** The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions herein, and this Agreement shall be construed, in all respects, as though all such invalid or unenforceable provisions were omitted.
17. **COMPLIANCE.** Each **Party** warrants for itself that it has complied with all applicable statutes, rules, orders, ordinances, requirements and regulations to execute this Agreement and that the person executing this Agreement on its behalf is authorized to do so.
18. **FORCE MAJEURE:**
- a. If the performance of any part of this Contract is delayed or rendered impossible by reason of natural disaster, flood, fire, riot, explosion, war or actions or decrees of governmental bodies, notice shall be given as soon as practicable to the other Party indicating the nature of such conditions and the extent of delay and the notifying Party shall do everything possible to resume performance hereunder. If the period of nonperformance exceeds twenty-one (21) days from the receipt of said Notice of the Force Majeure Event, this Contract may be terminated by giving written Notice of the same.
  - b. If the ability of the Tribe to compensate the County is delayed by reason of natural disaster, flood, fire, riot, explosion, war or actions or decrees of governmental bodies, the TRIBE shall immediately give Notice to the County of the nature of such conditions and the expected date that compensation will be made. Section 66.0135, Wis. Stats., shall not apply to any late payment by the TRIBE due to circumstances under this Subsection B.



**IN WITNESS WHEREOF, Oneida Nation and Brown County**, by their respective authorized agents, have caused this Agreement and its Schedules to be executed, effective as of the date by which all Parties hereto have affixed their respective signatures, as indicated below.

FOR BROWN COUNTY:

Date Signed: \_\_\_\_\_  
Troy Streckenbach, Brown County Executive

FOR ONEIDA NATION:

Date Signed: \_\_\_\_\_  
Tehassi Hill, Chairman  
Oneida Business Committee



**Oneida Business Committee Agenda Request**

Accept the Oneida Personnel Commission September 2019 update

**1. Meeting Date Requested:** 09 / 25 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☒ Accept as Information only☐ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.





TO: Oneida Business Committee  
FROM: Brooke Doxtator, Boards, Committees, and Commissions Supervisor  
DATE: September 25, 2019  
RE: Oneida Personnel Commission Progress Update

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## BACKGROUND

On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-F titled, "Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in accordance with General Tribal Council's August 27, 2018 Directive."

This resolution formally recognized General Tribal Council's directive to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the related emergency amendments. As a result, resolution BC-04-11-18-A, which dissolved the Oneida Personnel Commission, was formally repealed and the Oneida Personnel Commission was formally reinstated.

Resolution BC-09-26-18-F provides details on how the Oneida Personnel Commission's responsibilities will be addressed until such time that the Oneida Personnel Commission is prepared to once again exercise its authority.

Additionally, this resolution directs the Legislative Operating Committee to provide updates on the progress of the Oneida Personnel Commission to the Oneida Business Committee on a bimonthly basis, at the second Oneida Business Committee meeting of the month. The legislative work is complete, except for changes to the bylaws. On July 24, 2019 the Oneida Business Committee moved the responsibility of the bi-monthly updates from the Legislative Operating Committee to the BC Support Office.

The Oneida Business Committee amended resolution BC-09-26-18-F on March 13, 2019, through the adoption of resolution BC-03-13-19-C in an effort to provide clarification on which entity of the Nation is providing administrative support to the Oneida Personnel Commission in regard to the grievance hearing process.

This memorandum serves as the sixth update on the progress of the Oneida Personnel Commission overall and the first update from the BC Support Office.

## ONEIDA PERSONNEL COMMISSION BYLAWS

On January 9, 2019, the Oneida Business Committee adopted amendments to the Oneida Personnel Commission Bylaws. Since then, further amendments have been prepared. These updated bylaws are ready to be considered by the Oneida Business Committee. They will be presented to the Oneida Business Committee when the larger bylaws amendments project is complete, and all of the boards, committees, and commission's bylaws come to the Oneida Business Committee for approval.



**POSTING AND APPOINTMENTS**

On August 28, 2019 the Business Committee terminated the appointment of Nancy Skenandore on the Oneida Personnel Commission. There is currently one (1) vacancy; this vacancy was posted with an application deadline of September 20, 2019.

**TRAINING**

The Training and Development Department from the Human Resources Area identified training for the Oneida Personnel Commission. The current Commissioners will complete six (6) different e-learning trainings prior to September 25, 2019 to gain temporary certification. The temporary certification will make them eligible to start participating in pre-screening and interviews only.

To gain full certification the Commissioners will need to take additional e-learning courses and classroom courses as they become available through HRD's quarterly training schedule. Additionally, the Judiciary – Trial Court is working with the BCSO to organize and set-up training for the hearing processes and procedures. Once the fifth member of the OPC is appointed and sworn into office, additional information regarding these trainings will be provided.

**NEXT STEPS**

1. Continue to work on filling the vacant position.
2. The OPC will have their first monthly meeting on Tuesday, September 24, 2019.
3. The OPC will meet with the HRD Director of Recruitment and Employment on Wednesday, September 25, 2019.
4. Follow-up with the Judiciary – Trial Court for the hearing processes and procedures training.

**Requested Action**

Accept this memorandum as an update on the progress of the Oneida Personnel Commission.







