



## Oneida Business Committee

Executive Session  
8:30 AM Tuesday, October 08, 2019  
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting  
8:30 AM Wednesday, October 09, 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 Years of Service**  
Sponsor: Geraldine Danforth, Area Manager/Human Resources
- B. **Special Recognition of Lee Gordon "Gordy" McLester**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

#### III. ADOPT THE AGENDA

#### IV. OATH OF OFFICE

- A. **Oneida Community Library Board - Waehiahoweh Maracle**  
Sponsor: Lisa Summers, Secretary
- B. **Public Safety Pension Board - Stacy Prevost**  
Sponsor: Sandra Reveles, Chair/Oneida Police Commission
- C. **Oneida Police Department - Brandon Davis and Dustin Muenster**  
Sponsor: Sandra Reveles, Chair/Oneida Police Commission

#### V. MINUTES

- A. **Approve the September 25, 2019, regular Business Committee meeting minutes**  
Sponsor: Lisa Summers, Secretary

**VI. RESOLUTIONS**

- A. Consider resolution entitled Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-017 Food Innovation Center - Business Plan**  
Sponsor: Debbie Thundercloud, General Manager
- B. Consider resolution entitled Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-019 SRS Strategic Acquisition – Loan Request**  
Sponsor: Debbie Thundercloud, General Manager
- C. Consider resolution entitled Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-021 OESCG – Seven Generations Corporation Loan Request**  
Sponsor: Debbie Thundercloud, General Manager
- D. Adopt resolution entitled Appointment of Councilwoman Jennifer Webster to the Center for Medicare & Medicaid Services Tribal Technical Advisory Group**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- E. Adopt resolution entitled Appointing Delegates to the National Congress of American Indians**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

**VII. APPOINTMENTS**

- A. Determine next steps regarding three (3) vacancies - Oneida Election Board**  
Sponsor: Lisa Summers, Secretary
- B. Determine next steps regarding two (2) vacancies - Oneida Pow-wow Committee**  
Sponsor: Lisa Summers, Secretary
- C. Determine next steps regarding one (1) vacancy - Oneida Personnel Commission**  
Sponsor: Lisa Summers, Secretary
- D. Determine next steps regarding five (5) Pro Tem vacancies - Oneida Personnel Commission**  
Sponsor: Lisa Summers, Secretary

**VIII. STANDING COMMITTEES**

- A. LEGISLATIVE OPERATING COMMITTEE**
  - 1. Accept the October 2, 2019 regular Legislative Operating Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman

2. **Adopt resolution entitled Curfew Law**  
Sponsor: David P. Jordan, Councilman
3. **Adopt resolution entitled Curfew Law Penalty and Fine Schedule**  
Sponsor: David P. Jordan, Councilman
4. **Approve the Oneida Gaming Commission bylaws amendments**  
Sponsor: David P. Jordan, Councilman
5. **Approve the Oneida Nation Arts Board bylaws amendments**  
Sponsor: David P. Jordan, Councilman
6. **Approve the Oneida Nation Commission on Aging bylaws amendments**  
Sponsor: David P. Jordan, Councilman
7. **Approve the Pardon and Forgiveness Screening Committee bylaws amendments**  
Sponsor: David P. Jordan, Councilman
8. **Approve the Southeastern Oneida Tribal Services Advisory Board bylaws amendments**  
Sponsor: David P. Jordan, Councilman
9. **Approve the Oneida Nation School Board bylaws**  
Sponsor: David P. Jordan, Councilman
10. **Approve the Oneida Land Commission bylaws amendments**  
Sponsor: David P. Jordan, Councilman

## **IX. TRAVEL REPORTS**

- A. **Approve the travel report - Councilwoman Jennifer Webster - Tribal Self Governance Advisory Committee meeting - Washington DC - January 22-25, 2019**  
Sponsor: Jennifer Webster, Councilwoman
- B. **Approve the travel report - Councilwoman Jennifer Webster - Tribal Self Governance Advisory Committee meeting - Washington DC - April 23-25, 2019**  
Sponsor: Jennifer Webster, Councilwoman
- C. **Approve the travel report - Councilman Kirby Metoxen - American Indian Tourism Conference - Tulsa, OK - September 15-19, 2019**  
Sponsor: Kirby Metoxen, Councilman
- D. **Approve the travel report - Treasurer Trish King - Treasury Tribal Advisory Committee meeting & Southeastern Oneida Tribal Services meeting - Washington DC - September 17-18, 2019**  
Sponsor: Trish King, Treasurer

**X. TRAVEL REQUESTS**

- A. Approve the travel request - Secretary Lisa Summers - 8th Annual Partners in Action Conference - St. Paul, MN - November 4-7, 2019**  
Sponsor: Lisa Summers, Secretary
- B. Approve the travel request - Secretary Lisa Summers - 2019 Midwest Alliance of Sovereign Tribes Fall Meeting - Carlton, MN - November 7-8, 2019**  
Sponsor: Lisa Summers, Secretary
- C. Enter the e-poll results into the record regarding the approve travel request - Chairman Tehassi Hill and Vice-Chairman Brandon Stevens - Democratic Presidential Primary Debate - Westerville, OH - October 15-16, 2019**  
Sponsor: Lisa Summers, Secretary
- D. Enter the e-poll results into the record regarding the approved travel request - Secretary Lisa Summers - TribalNet Conference and Tradeshow - Nashville, TN - November 10-15, 2019**  
Sponsor: Lisa Summers, Secretary

**XI. NEW BUSINESS**

- A. Approve the attorney contract - Oneida Gaming Commission legal counsel - file # 2019-1082**  
Sponsor: Mark A. Powless, Chair/Oneida Gaming Commission
- B. Approve an exception to resolution # BC-12-27-16-A and hold both the regular and executive discussion meetings on Wednesday, October 23, 2019, at 8:30 a.m.**  
Sponsor: Tehassi Hill, Chairman
- C. Re-post one (1) vacancy - Oneida Environmental Resource Board**  
Sponsor: Lisa Summers, Secretary

**XII. GENERAL TRIBAL COUNCIL**

- A. Select the tentative date and time for the special General Tribal Council meeting regarding Sustain Oneida**  
Sponsor: Lisa Summers, Secretary
- B. Approve notice and materials for the December 2, 2019, tentatively scheduled reconvened semi-annual GTC meeting**  
Sponsor: Lisa Summers, Secretary



**XIII. EXECUTIVE SESSION****A. REPORTS**

1. **Accept the Chief Counsel report**  
Sponsor: Jo Anne House, Chief Counsel
2. **Accept the Intergovernmental Affairs Director special report**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

**B. AUDIT COMMITTEE**

1. **Accept the August 22, 2019, regular Audit Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman
2. **Accept the Craps Rules of Play compliance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
3. **Accept the Table Games compliance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
4. **Accept the Intergovernmental Affairs/Communications performance assurance audit and lift the confidentiality requirement**  
Sponsor: Lisa Summers, Secretary
5. **Accept the Internal Services Division-Administration performance assurance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
6. **Accept the Oneida Community Library performance assurance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
7. **Accept the Oneida Engineering Science & Construction Group LLC performance assurance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
8. **Accept the Oneida Family Fitness performance assurance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
9. **Accept the Transit Department performance assurance audit and lift the confidentiality requirement**  
Sponsor: David P. Jordan, Councilman

**C. NEW BUSINESS**

1. **Approve the attorney contract - Oneida Law Office staff attorney - file # 2019-1119**  
Sponsor: Jo Anne House, Chief Counsel

2. **Consider resolution entitled Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-018 Wingate Renovation – Loan Request**  
Sponsor: Debbie Thundercloud, General Manager
3. **Consider resolution entitled Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-020 Retail – Business & Marketing Plan**  
Sponsor: Debbie Thundercloud, General Manager
4. **Review applications for three (3) vacancies - Oneida Election Board**  
Sponsor: Lisa Summers, Secretary
5. **Review applications for two (2) vacancies - Oneida Pow-wow Committee**  
Sponsor: Lisa Summers, Secretary
6. **Review applications for one (1) vacancy - Oneida Personnel Commission**  
Sponsor: Lisa Summers, Secretary
7. **Review applications for five (5) Pro Tem vacancies - Oneida Personnel Commission**  
Sponsor: Lisa Summers, Secretary
8. **Review charges related to Business Committee Corporate Credit Card SOP § 3.5**  
Sponsor: Lisa Summers, Secretary
9. **Discuss Employee Health Plan Rollout**  
Sponsor: Trish King, Treasurer
10. **Discussion with BC-DR09 (8:30 a.m.)**  
Sponsor: OBC Officers

#### **XIV. 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 Years 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**

Special Recognition of Lee Gordon "Gordy" McLester

**1. Meeting Date Requested:** 10 / 9 / 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 Business Committee Agenda Request

### 6. Cover Memo:

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

On August 27, 2019, the following request was submitted to the Oneida Business Committee Officers by Bobbi Webster:

*"For some time I have thought about requesting the OBC to recognize and honor Gordy McLester for the decades of work and dedication he has demonstrated to the Oneida Nation and greater community. I have written a brief description of his accomplishment, to my knowledge.*

*I first remember Gordy singing with a small drum group in front of the Civic Center as we dedicated the opening of that facility back about 40 or more years ago. I was one of the dancers along with others. Gordy has been a catalyst for both change and maintaining our traditions as Oneida people.*

*One quote I remember and admire from him was when we were doing some work on the history of Oneida and there were actually arguments, if you can imagine that.... About what is a traditional Oneida songs. Gordy said, "I was raised here and in the Holy Apostles Church and Oneida singers are a part of my traditions, I don't care what anyone says." That struck me as being right on. We define our own traditions by how we are raised.*

*I would like to respectfully ask the OBC to publicly recognize and honor this man for his contributions to our nation. I know there are many people in our history who have contributed much as well, I just humbly request we do this soon."*

After consulting with the Oneida Business Committee, there was general consensus to support this request for a special recognition. Bobbi Webster, Public Affairs Director, has coordinated an recognition to take place at the start of the October 9, 2019, regular Business Committee meeting.

- 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 Agenda Request

Oneida Community Library Board - Waehiahoweh Maracle

1. Meeting Date Requested: 10 / 09 / 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**

Public Safety Pension Board - Stacy Prevost

**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:**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: Eric Boulanger, Chief of Police  
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:

Administer the Oath of Office to the following individuals for a two year term to the the Oneida Public Safety Pension Board:

Stacy Prevost

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 Police Department - Brandon Davis and Dustin Muenster

**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:**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: Eric Boulanger, Chief of Police  
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:

Oath of Office for two (2) new hires:

Officers:

Brandon Davis

Dustin Muenster

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)

Approve the September 25, 2019, regular Business Committee meeting minutes

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## Business Committee Agenda Request

1. Meeting Date Requested: 10/09/19

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 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**

**Minutes**

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**EXECUTIVE SESSION**

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

**Not Present:** n/a

**Arrived at:** Chairman Tehassi Hill at 9:15 a.m., Councilman Kirby Metoxen at 9:10 a.m.;

**Others present:** Jo Anne House, Larry Barton, Debbie Thundercloud, Melinda J. Danforth, Lisa Liggins, Laura Laitinen-Warren, Jessica Wallenfang, Candice Skenandore;

**REGULAR MEETING**

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

**Not Present:** n/a

**Arrived at:** Vice-Chairman Brandon Stevens at 8:33 a.m.;

**Others present:** Jo Anne House, Larry Barton, Debbie Thundercloud, Lisa Liggins, Teresa Schuman, Jerry Cornelius, Ben Skenandore, Art Cornelius, Gerald W. Jordan, Dale Webster, Larry D. Jordan, Bonnie Pigman, Alva Fiddler, Joshua Hicks, Melanie Burkhart, Tonya Webster, April Skenandore;

**I. CALL TO ORDER**

*Meeting called to order by Chairman Tehassi Hill at 8:31 a.m.*

*For the record: Vice-Chairman Brandon Stevens will be arriving late.*

**II. OPENING (00:00:29)**

*Opening provided by Chairman Tehassi Hill.*

*Vice-Chairman Brandon Stevens arrived at 8:34 a.m.*

**A. Special Recognition for Year of Service**

*Item deleted at the adoption of the agenda.*

# DRAFT

## III. ADOPT THE AGENDA (00:03:10)

Motion by David P. Jordan to adopt the agenda with four (4) changes [1) delete item II.A. Special Recognition for Years of Service; 2) correct title of item IV.C., delete "Officer"; 3) add item "Adopt resolution entitled Guidance to Implement Good Governance Principles for Conducting Public Affairs and Managing Public Resources" after item VI.C; and 4) add item VIII.E. Approve the travel request in accordance with § 219.16-1- Seven (7) employees - 2019 Badger TraCS User Conference - Stevens Point, WI - October 15-16, 2019], seconded by Jennifer Webster. Motion carried:

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

## IV. OATH OF OFFICE (00:04:40)

*Oaths of Office administered by Secretary Lisa Summers. Gerald Jordan, Weldon "Ted" Hawk, Angela Parks, Nathan Ness, Alexis Woelfel, and Larry Jordan were present. Waehiahoweh Maracle and Stacy Prevost were not present.*

- 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 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 Business Committee meeting minutes (00:08:12)**  
Sponsor: Lisa Summers, Secretary

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

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

- B. Approve the September 11, 2019, regular Business Committee meeting minutes (00:08:45)**  
Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to approve the September 11, 2019, regular Business Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

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



**DRAFT****VI. RESOLUTIONS****A. Adopt resolution entitled Interpreting “Fiscal Impact Statement” in the Legislative Procedures Act (00:09:09)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to adopt resolution 09-25-19-A Interpreting “Fiscal Impact Statement” in the Legislative Procedures Act, seconded by Brandon Stevens. Motion carried:

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

**B. Adopt resolution entitled Updated Statement of Effect Requirement for Resolutions (00:15:27)**

Sponsor: David P. Jordan, Councilman

Motion by Brandon Stevens to adopt resolution 09-25-19-B Updated Statement of Effect Requirement for Resolutions, seconded by Lisa Summers. Motion carried:

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

**C. Adopt resolution entitled Support for Great Law Recital in Oneida Nation Community (00:17:53)**

Sponsor: Tehassi Hill, Chairman and Trish King, Treasurer

Motion by Lisa Summers to adopt resolution 09-25-19-C Support for Great Law Recital in Oneida Nation Community, seconded by Daniel Guzman King. Motion carried:

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

**DRAFT**

- D. Adopt resolution entitled Guidance to Implement Good Governance Principles for Conducting Public Affairs and Managing Public Resources (00:29:51); (02:18:23)**  
Sponsor: Trish King, Treasurer

Motion by Lisa Summers to adopt the resolution entitled Guidance to Implement Good Governance Principles for Conducting Public Affairs and Managing Public Resources with one (1) noted correction [in line 9, correct "Oneida Tribe of Indians of Wisconsin" to "Oneida Nation"], seconded by David P. Jordan. Motion carried:

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

*Item VI.E. is addressed next.*

Motion by Lisa Summers to rescind the previous action which adopted the resolution entitled Guidance to Implement Good Governance Principles for Conducting Public Affairs and Managing Public Resources, seconded by Daniel Guzman King. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens III

Motion by Lisa Summers to adopt the corrected resolution 09-25-19-D Guidance to Implement Good Governance Principles for Conducting Public Affairs and Managing Public Resources, seconded by Jennifer Webster. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens III

*Item XI.A. is addressed next.*

**DRAFT**

- E. Adopt resolution entitled Triennial Goals – Trending – Budget Guidance Resolution (00:38:08); (01:54:10)**  
Sponsor: Trish King, Treasurer

*Councilman Daniel Guzman King left at 9:21 a.m.*

*Councilman Daniel Guzman King returned at 9:27 a.m.*

Motion by David P. Jordan to table resolution entitled Triennial Goals – Trending – Budget Guidance Resolution to later in the agenda, seconded by Lisa Summers. Motion carried:

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

*Item VI.F. is addressed next.*

Motion by Brandon Stevens to take this item from the table, seconded by Lisa Summers. Motion carried:

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

Motion by Lisa Summers to adopt resolution 09-25-19-E Triennial Goals – Trending – Budget Guidance Resolution, including the additional lines 167-169 as provided in the handout, seconded by Jennifer Webster. Motion carried:

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

*Councilman Daniel Guzman King left at 11:09 a.m.*

*Councilman Daniel Guzman King returned at 11:09 a.m.*

*Councilman David P. Jordan left at 11:09 a.m.*

*Councilman David P. Jordan returned at 11:12 a.m.*

*Item XI. is addressed next.*

**DRAFT****F. Adopt resolution entitled Approve Changes to the Enterprise 401(k) Plan (00:57:43)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to adopt resolution 09-25-19-F Approve Changes to the Enterprise 401(k) Plan, seconded by Jennifer Webster. Motion carried:

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

**VII. STANDING COMMITTEES****A. FINANCE COMMITTEE****1. Approve the September 16, 2019, regular Finance Committee meeting minutes (00:59:03)**

Sponsor: Trish King, Treasurer

Motion by David P. Jordan to approve the September 16, 2019, regular Finance Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

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

Abstained: Lisa Summers

**B. LEGISLATIVE OPERATING COMMITTEE****1. Accept the September 4, 2019, regular Legislative Operating Committee meeting minutes (00:59:33)**

Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the September 4, 2019, regular Legislative Operating Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

**2. Adopt Judiciary law rule # 1 - Oneida Trial Court Rules (00:59:57)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to adopt Judiciary law rule # 1 - Oneida Trial Court Rules, seconded by Kirby Metoxen. Motion carried:

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

# DRAFT

### 3. Approve the Anna John Resident Centered Care Community Board bylaws amendments (01:01:39)

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to approve the Anna John Resident Centered Care Community Board bylaws amendments with the noted change [in line 93, correct "attend" to "attend or participate in"], seconded by Lisa Summers. Motion carried:

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

Motion by David P. Jordan to approve an across-the-board change to the bylaws to include Business Committee Support Office as the entity that signs off on stipends, business reimbursements, and per diem; and that this change be included in the approved Anna John Resident Centered Care Community Board bylaws amendments, seconded by Jennifer Webster. Motion carried:

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

### 4. Approve the Oneida Community Library Board bylaws amendments (01:17:13)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to approve the Oneida Community Library Board bylaws amendments, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Kirby Metoxen

*Councilman Kirby Metoxen left at 10:12 a.m.*

### 5. Approve the Oneida Election Board bylaws amendments (01:19:34)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to approve the Oneida Election Board bylaws amendments, seconded by Lisa Summers. Motion carried:

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

Abstained: Brandon Stevens

*Councilman Kirby Metoxen returned at 10:14 a.m.*

### 6. Approve the Oneida Nation Veterans Affairs Committee bylaws amendments (01:21:09)

Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to approve the Oneida Nation Veterans Affairs Committee bylaws amendments, seconded by Trish King. Motion carried:

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

**DRAFT****7. Approve the Oneida Police Commission bylaws amendments (01:22:26)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to approve the Oneida Police Commission bylaws amendments with the three (3) noted changes [1] in line 90, change number of excused absences to three (3); 2) in line 95, change number of unexcused absences to two (2); 3) in line 160, correct "attend" to "attend or participate in"], seconded by Kirby Metoxen. Motion carried:

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

**8. Approve the Oneida Pow-wow Committee bylaws amendments (01:31:30)**

Sponsor: David P. Jordan, Councilman

*Councilman Ernie Stevens III left at 10:34 a.m.*

Motion by Jennifer Webster to approve the Oneida Pow-wow Committee bylaws amendments with the three (3) noted changes [1] at line 392, insert "Services related to coordinating the Pow-wow event" to the list of services provided; 2) in line 395, correct "up" to "up and reconciliation after"; and 3) in section 5-2.(a), include language requiring approval by the Oneida Pow-wow Committee for such compensation], seconded by Kirby Metoxen. Motion carried:

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

Abstained: Brandon Stevens, Lisa Summers

Not Present: Ernie Stevens III

**C. QUALITY OF LIFE COMMITTEE****1. Accept the August 15, 2019, regular Quality of Life Committee meeting minutes (01:40:02)**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by Jennifer Webster to accept the August 15, 2019, regular Quality of Life Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

**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 (01:40:19)**

Sponsor: Gerald Cornelius, Chair/ONVAC

Motion by David P. Jordan to approve the travel request in accordance with § 219.6-1 for fifteen (15) Oneida Nation Veterans Affairs Committee members to attend the Warriors' Circle of Honor memorial dedication in Washington DC - November 10-13, 2020, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,  
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

**DRAFT**

- B. Approve the travel request - Councilman Kirby Metoxen - Treaty Days - Bayfield, WI - September 29-30, 2019 (01:44:36)**  
Sponsor: Kirby Metoxen, Councilman

Motion by David P. Jordan to approve the travel request for Councilman Kirby Metoxen to attend the Treaty Days in Bayfield, WI - September 29-30, 2019, seconded by Lisa Summers. Motion carried:

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

- C. Approve the travel request - Councilman Kirby Metoxen - Repatriation of Oneida Children from Carlisle Boarding School - Hudson, WI - October 5-6, 2019 (01:45:24)**  
Sponsor: Kirby Metoxen, Councilman

Motion by Lisa Summers to approve the travel request for Councilman Kirby Metoxen to attend the Repatriation of Oneida Children from Carlisle Boarding School in Hudson, WI - October 5-6, 2019, seconded by Jennifer Webster. Motion carried:

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

- 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 (01:46:09)**  
Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the travel request for Chairman Tehassi Hill, Secretary Lisa Summers, and Councilman Daniel Guzman King to attend the National Congress of American Indians 76th Annual Convention & Marketplace in Albuquerque, NM - October 20-25, 2019, seconded by Kirby Metoxen. Motion carried:

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

- E. Approve the travel request in accordance with § 219.16-1- Seven (7) employees - 2019 Badger TraCS User Conference - Stevens Point, WI - October 15-16, 2019 (01:47:10)**  
Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by David P. Jordan to approve the travel request in accordance with § 219.16-1 for seven (7) employees to attend the 2019 Badger TraCS User Conference in Stevens Point, WI - October 15-16, 2019, seconded by Lisa Summers. Motion carried:

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

**DRAFT****IX. NEW BUSINESS****A. Review the Complimentary Services or Items (Chapter 7) Oneida Gaming Minimum Internal Controls and determine appropriate next steps (01:48:10)**

Sponsor: Mark A. Powless Sr., Chair/Oneida Gaming Commission

Motion by Brandon Stevens to accept the notice of the Oneida Gaming Minimum Internal Controls for Complimentary Services or Items (Chapter 7) approved by the Gaming Commission on September 5, 2019, and direct notice to the Oneida Gaming Commission there are no requested revisions under § 501.6-14(d), seconded by Jennifer Webster. Motion carried:

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

**B. Approve the Intergovernmental Agreement between Oneida Nation and Brown County for Consolidation of Public Safety Dispatch - file # 2019-0954 (01:49:25)**

Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by Lisa Summers to approve the Intergovernmental Agreement between Oneida Nation and Brown County for Consolidation of Public Safety Dispatch - file # 2019-0954, seconded by Jennifer Webster. Motion carried:

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

**C. Accept the Oneida Personnel Commission September 2019 update (01:50:15)**

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to accept the Oneida Personnel Commission September 2019 update, seconded by Brandon Stevens. Motion carried:

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



# DRAFT

## X. GENERAL TRIBAL COUNCIL

### A. Accept the Fiscal Year 2021 budget calendar (01:50:48)

Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to accept the Fiscal Year 2021 budget calendar, seconded by Trish King.

Motion carried:

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

Motion by Lisa Summers to direct Secretary's Office to send out the appointments for the Business Committee in accordance with the schedule that was adopted, seconded by Trish King. Motion carried:

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

*Item VI.E. is re-addressed next.*

## XI. EXECUTIVE SESSION (02:16:56)

Motion by Lisa Summers to go into executive session at 11:30 a.m., seconded by David P. Jordan.

Motion carried:

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

Motion by Lisa Summers to come out of executive session at 12:05 p.m., seconded by Trish King.

Motion carried:

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

*Roll call for the record:*

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

*Vice-Chairman Brandon Stevens left at 12:05 p.m.*

*Item VI.D. is re-addressed next.*

**DRAFT****A. REPORTS****1. Accept the Chief Counsel report (02:19:20)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to accept the Chief Counsel report, seconded by Jennifer Webster. Motion carried:

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

Motion by Lisa Summers to approve the attorney contract – Husch Blackwell LLP - file # 2019-1086, seconded by Kirby Metoxen. Motion carried:

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

**2. Accept the Intergovernmental Affairs, Communications, and Self-Governance September 2019 report (02:19:44)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Lisa Summers to accept the Intergovernmental Affairs, Communications, and Self-Governance September 2019 report, seconded by Trish King. Motion carried:

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

Motion by Lisa Summers to accept the memorandum dated September 24, 2019, regarding 07201901V for the record, seconded by Trish King. Motion carried:

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

**3. Accept the General Manager report (02:20:17)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Trish King to accept the General Manager report, seconded by Lisa Summers. Motion carried:

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

Motion by David P. Jordan to approve the requested action included in the memorandum dated September 24, 2019, regarding funding for the Pulaski Community Public School Language Program, seconded by Lisa Summers. Motion carried:

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

**DRAFT****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 (02:20:49)**

Motion by Kirby Metoxen to defer the Thornberry Creek LPGA Classic September 2019 report to the October 23, 2019, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried:

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

**C. UNFINISHED BUSINESS****1. Adopt resolution entitled Naming Individuals as Authorized Persons for SagePoint Accounts (02:21:10)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to adopt resolution 09-25-19-G Naming Individuals as Authorized Persons for SagePoint Accounts [file # 2019-0749] with the one (1) noted correction [line 45 change "Terrence" to "Terry A."] and move the resolution to open session, seconded by David P. Jordan. Motion carried:

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

**2. Adopt resolution entitled Confirming Guaranty Commitment for OESC and Affiliates (02:21:49)**

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

Motion by Lisa Summers to adopt resolution 09-25-19-H Confirming Guaranty Commitment for OESC and Affiliates [file # 2019-1072] and move the resolution to open session, seconded by Kirby Metoxen. Motion carried:

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

**D. NEW BUSINESS****1. Approve the 2020 compensation increase for BC-DR07 (02:22:05)**

Sponsor: OBC Officers

Motion by David P. Jordan to approve the requested action in the memorandum dated September 24, 2019, regarding the 2020 compensation increase for BC-DR07, seconded by Lisa Summers. Motion carried:

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

**DRAFT****2. Approve promissory note for bridge loan - file # 2019-0962 (02:22:24)**

Sponsor: Pete King III, Agent/Oneida Seven Generations Corporation

Motion by Lisa Summers to support the request for a bridge loan and direct the General Manager and the OBC liaisons to Oneida Seven Generations Corporation and Oneida ESC Group LLC to submit a request to access the Economic Development, Diversification and Community Development Fund, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens

**3. Adopt resolution entitled Additional Authorization Regarding Oneida Seven Generations Dissolution (02:22:46)**

Sponsor: Pete King III, Agent/Oneida Seven Generations Corporation

Motion by Kirby Metoxen to adopt resolution 09-25-19-I Additional Authorization Regarding Oneida Seven Generations Dissolution and move the resolution to open session, seconded by David P. Jordan. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens III

**4. Consider a request from the Oneida Pow-wow Committee pursuant to §105.7-4 (02:23:04)**

Sponsor: Tonya Webster, Chair/OPwC

Motion by Lisa Summers to terminate the appointment of Floyd Wayne Silas Jr. on the Oneida Pow-wow Committee pursuant to §105.7-4 and post the vacancy, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens III

Motion by David P. Jordan to direct the General Manager to amend the recommendations provided regarding file # 2019-CC-01 and to bring back a transition plan proposal no later than the December 11, 2019, regular Business Committee meeting, seconded by Lisa Summers. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens III

**5. Approve the Transamerica and Valley Investment Solutions-Amendment No. 2 to the Oneida Nation Enterprise 401(k) Plan - file # 2017-1511 (02:24:12)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to approve the Transamerica and Valley Investment Solutions-Amendment No. 2 to the Oneida Nation Enterprise 401(k) Plan - file # 2017-1511, seconded by David P. Jordan. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens III

# ***DRAFT***

## **XII. ADJOURN (02:24:30)**

Motion by Lisa Summers to adjourn at at 12:14 p.m., seconded by Kirby Metoxen. Motion carried:

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

Not Present: Brandon Stevens, Ernie Stevens III

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**

Consider resolution entitled Approval of Use of Economic Development, Diversification and Community...

**1. Meeting Date Requested:** 10 / 9 / 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.

# Memo



**To:** Oneida Business Committee  
**From:** Troy D. Parr, AIA, Community & Economic Development Division Director  
**CC:** Joanie Buckley, Internal Services Division Director; James Petitjean, Community Development Area Manager; Susan Doxtator, Planning Director; Jeff Witte, Planning Department  
**Date:** September 11, 2019  
**Re:** Recommendation for use of the Economic Diversification and Community Development Set-aside Fund – ED#19-017 Food Innovation Center - Business Plan

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## **Background**

For several years now the Internal Services Division, with the support of the Community & Economic Development staff has been exploring the concept and feasibility of a Food Innovation Center. This effort has previously been funded through granting from the United States Economic Development Administration. Through these efforts, there has been a concept study completed by the University of Wisconsin, and a Feasibility Study completed by a consultant team. In addition to conceptualizing the services offered and analyzing the feasibility of these services, both studies have produced space needs listings, adjacency requirements and have generated conceptual architectural plans.

## **Current Request**

This current request is to further develop this concept to include drafting a formal Business Plan which takes a deeper look into the planning for the possible operationality of concept. In addition to other deliverables, this Business Plan will determine the pro forma financial models which will allow the decision makers to closely analyze the potential Profit/Loss of this concept. Additionally, the sources of funding for construction and operations will be analyzed, along with examining in detail the projected cash flow, income statement and balance sheet for the proposed business endeavor.

## **Findings after Review**

Developing a Business Plan for a proposed concept appears to be a prudent use of the Community & Economic Development Set-aside Funds to determine the future fiscal impacts of moving forward with the Food Innovation Center Project. The Business Plan produced by this effort will allow the Oneida Business Committee and other decision makers, to determine if this project further developed and funded in the Fiscal Year 2021 Oneida Nation Capital

Improvement Project (CIP) Budget. Ultimately, the proposed projects for the FY`21 CIP budget will be presented at the January 2020 Annual General Tribal Council (GTC) Meeting for GTC ranking of new/expansion CIP projects. Although the projected date for completion of this Business Plan is March 2020, if it could be completed prior to the January 2020 GTC Annual meeting, depending on the results of the plan, it could increase the likelihood of being included in the proposed FY`21 CIP Project budget.

### **In Closing**

This expenditure of business planning funds is a good use of the C&ED Set-aside Funds which will help determine the financial viability of this proposed future CIP project, which will also have operational budget implications. I recommend using these funds to further analyze the financial proformas of this project.

***Attachments:*** BC Resolution #01-23-19-C; Memo requesting fund use for Oneida Food Innovation Center-Business Plan from Jeff Witte, dated September 4, 2019.



# Oneida Nation

Post Office Box 365

Phone: (920) 869-2214



Oneida, WI 54155

## BC Resolution # 01-23-19-C

### Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund As Amended

- 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 Business Committee adopted resolution # BC-09-28-16-B, *Assignment of Return on Investment from OTIE to Economic Development and Diversification*, which created a set-aside until an endowment could be created and directed development and adoption of standard operating procedures for the use of the restricted funds; and
- WHEREAS,** the Treasurer has proposed the development of an economic development corporation, 'Oneida Development Holdings, Inc.,' and identifying the development of the endowment creation resolution, to fulfill the directives of resolution # BC-09-28-16-B; and
- WHEREAS,** the Oneida Business Committee approved the creation of the Community & Economic Development Division and authorized the transition into finalizing this action; and
- WHEREAS,** the Oneida Business Committee approved the following Vision and Mission statements for the new division:  
Vision: To elevate the Oneida Nation by providing community & economic development practices that nurture and sustain Oneida families to prosperity.  
Mission: To strategically implement systems that foster sustainable development and commerce growth that reflect Tsi? niyukwalihotł (our ways) with innovative approaches that enrich the natural, built and business environments; and
- WHEREAS,** the original resolution adopted in 2016 regarding the OTIE disbursements do not accurately reflect the direction given to the Community & Economic Development Division; and
- WHEREAS,** OTIE has been reorganized as a subsidiary under the OESC Group, LLC; and
- WHEREAS,** the Oneida Business Committee desires to update the 2016 resolution to correctly reflect the goals of community development and economic development; and

BC Resolution # 01-23-19-C  
Updating and Clarifying Access to the Economic Development, Diversification and Community  
Development Fund As Amended  
Page 2 of 3

**WHEREAS,** the Oneida Business Committee has reviewed the Economic Development, Diversification and Community Development Fund uses and processes in the prior two years and has determined that it is an appropriate time to update the processes and to allow for greater tracking of the amount of the fund and use of the funds.

*Allocation of Dividends and Revenues*

**NOW THEREFORE BE IT RESOLVED,** that resolutions # BC-09-28-16-B, and # BC-07-12-17-A, and # BC-12-12-18-B are reaffirmed as to the creation of the Economic Development, Diversification and Community Development Fund and superseded regarding processes for access, tracking amount of the fund and use of the funds *as identified in this resolution.*

**BE IT FURTHER RESOLVED,** that the dividends and revenues from OESC Group, LLC and its subsidiaries shall be allocated to the Economic Development, Diversification and Community Development Fund and *any interest income generated by the fund shall accrue to the fund.* ~~The interest income generated by any balance shall not accrue to the Economic Development, Diversification and Community Development Fund.~~

*Review and Recommend for Use of Funds*

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall review every request for use of the fund, determine if the proposed use is consistent with the fund, and provide a written recommendation to the Oneida Business Committee regarding whether to authorize funds to be allocated from the Economic Development, Diversification and Community Development Fund to a specific project identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation.

*Authorization to Use Funds*

**BE IT FURTHER RESOLVED,** that the Oneida Business Committee shall be responsible for authorizing use of the Economic Development, Diversification and Community Development Fund by a resolution clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation, and the employee responsible for authorizing expenditures of the authorized amount.

*Tracking Balance and Use of Funds*

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall be responsible for maintaining a list of authorized uses and amounts annually forwarding that list to the Chief Financial Officer who shall be notify the Committee and Economic Development Division Director of the beginning balance in each fiscal year and authorize access to reports which identify the withdrawals from the fund.

*Allocation of Funds Once Authorized*

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer shall create the necessary accounts to identify the Economic Development, Diversification and Community Development Fund, allocations and withdrawals, including transfer of funds to a contract, CIP project, economic development opportunity or other authorized activity within the appropriate business unit.

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall, on an annual basis, obtain a reconciliation from any party authorized to utilize the funds, which may be conducted in conjunction of an internal audit or assistance from the Accounting Department.

BC Resolution # 01-23-19-C  
Updating and Clarifying Access to the Economic Development, Diversification and Community  
Development Fund As Amended  
Page 3 of 3

*Standard Operating Procedures*

**BE IT FINALLY RESOLVED**, that the Community and Economic Development Division Director and the Chief Financial Officer shall create necessary standard operating procedures consistent with this resolution.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 23<sup>rd</sup> day of January, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

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

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

**To:** Oneida Business Committee  
Community Development Planning Committee  
Troy Parr, C&EDD Director

**From:** Planning Department (Jeff Witte)

**Date:** 9/16/2019

**Re:** Oneida Food Innovation Center – Business Plan  
Community Development Fund Set-Aside

---

The Oneida Food Innovation Center will provide a visible anchor to our integrated Agricultural Strategy by an expanded facility to teach people how to process and prepare healthy native foods. It will serve not only Oneida tribal members but also fresh food producers, entrepreneurs, and those looking for jobs in the food service industry. It is being proposed that we enter into a partnership with the Fox Valley Technical College Venture Center to develop a Business Plan for the Food Center. (See attached Proposal)

#### Cost Estimate

\$ 13,860	Business Plan for the Oneida Food Innovation Center.
\$ 6,140	Contingency

#### Timeline

September 5<sup>th</sup>, 2019

CDPC agenda request for review for funding

September 14<sup>th</sup>, 2019

BC agenda request for approval of \$20,000 from the Economic Development Diversification and Community Development Fund for development of a Business Plan for the Oneida Food Innovation Center.

October 1<sup>st</sup>, 2019

Work Commences

March 30<sup>th</sup>, 2019

Projected Completion Date

**Request**

Approval of \$20,000 from the Economic Development Diversification and Community Development set aside funds to enter into a partnership with the Fox Valley Technical College Venture Center to develop a Business Plan for the Food Center.

2019 —

This is not a billing document

# FOX VALLEY TECHNICAL COLLEGE

## Training/Technical Assistance Agreement

Organization Name	Oneida Nation		
Address	PO Box 365		
City, State, Zip	Oneida, WI 54155		
Contact Person	Jeff Witte	Contact Phone	920-869-4583
Contact Title	Community Planner	Contact Fax	
E-mail Address	jwitte@oneidanation.org		County Outagamie

Service Consultant/Dean	<u>Amy Pietsch</u>	Phone <u>920-735-2594</u>	KAM <u>Rachel Johnson</u>
Service Recipient Type	<u>22</u>	Department é <u>14500</u>	Program é <u>29005</u>

<b>CATEGORY I</b>	<b>Customized Instruction</b>					
Course Title	State Course #	Class #	Course Hours	# of Students	Start Date	End Date
Location of Service _____						
<b>CATEGORY II</b>	<b>Technical Assistance <i>or</i> Fiscal and Management Services</b>					<b>\$15,015.00</b>
<b>Description of Non-Instructional Service:</b>						
The Fox Valley Technical College Venture Center Director will provide approximately 91 hours of technical assistance (research, analysis, interviews/meetings, draft submission(s), edit(s) and final submission) as required, to complete a business plan for the Oneida Nation Food Innovation Center. The attached Business Plan Outline contains the deliverables required. Client will be billed for actual hours. Work will begin immediately upon signing of this agreement.						
Total Staff Hours <u>91.00</u>			Start Date <u>7/29/2019</u>			
Location of Service <u>FVTC Bordini Center and Oneida Nation locations as needed.</u>			End Date <u>11/1/2019</u>			

<b>Total Estimate for Services:</b>	<b>\$15,015.00</b>
-------------------------------------	--------------------

**Special Billing Instructions:**

Submit invoice for technical assistance services upon completion and submission of the final business plan no later than November 1, 2019.

**Review, sign and return the FVTC agreement and signature pages.**



Agreement é

## Signature Page

2019-

Organization Name: Oncida Nation

## STANDARD PROVISIONS

**Pursuant to State Statutes, Section 67M, Chapter 20, Section 38.14(3)  
Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973  
The Family Educational Rights and Privacy Act (FERPA)**

It is understood that Fox Valley Technical College retains the proprietary rights to any curriculum materials used or developed as part of this agreement. Fox Valley Technical College employees performing under this agreement remain under the exclusive control of the FVTC District.

The Recipient of Services certifies, as party to this agreement, that it does not discriminate against employees, enrollees, or applicants for employment or enrollment on the basis of age, race, color, national origin, sex, creed, disability, religion, political persuasion, ancestry, or sexual orientation except where there is a bona fide occupational qualification.

This agreement is subject to retroactive approval by the full Fox Valley Technical College Board of Trustees at its next meeting. Per the authority delegated by the District Board to designated representatives of the FVTC District, to initiate agreements, Fox Valley Technical College agrees to provide the services in this agreement.

Both parties to this agreement recognize that the need for changes in this agreement could arise due to unforeseen circumstances. It is, therefore, agreed that both fiscal and programmatic modifications may be made as mutually agreed to by the parties involved. All instructional services are documented on the student record.

*Notification of Compliance:* Fox Valley Technical College does not discriminate on the basis of race, color, national origin, sex, disability or age in employment, admissions or its programs or activities. The following person has been designated to oversee Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 and to handle inquiries regarding the College's nondiscrimination policies: Pati Jorgensen, AAEEEO Officer, FVTC Appleton Main Campus, Office E116, 920735-5649, jorgensp@fvtc.edu.

The Family Educational Rights and Privacy Act (FERPA) is federal legislation that sets forth requirements and provides guidelines for postsecondary institutions regarding the privacy of student records for ALL students. FERPA governs the release of educational records that are maintained by the College, as well as access to these records.

**Review, sign and return the FVTC agreement and signature pages.**

It is agreed that payment for *actual costs* will be made payable to Fox Valley Technical College by the Recipient of Services within 30 days of receipt of an invoice. Invoicing will occur upon completion of the contract unless otherwise specified. Estimates do not include taxes.

**Total Estimate for Services: \$15,015.00**

Service Recipient - Organization

Service Provider - FVTC

FVTC Board Approval Date

Date

Date



## Introduction | Getting Started

### Oneida Food Innovation Center – Business Plan

The Oneida Nation wants to enhance Tribal value and Return on Investment through the development of the **Oneida Food Innovation Center**. This highly visible project will drive economic development, investment and further connect and expose the Tribe to the greater northeast Wisconsin region. This effort will also assist Tribal members and others in understanding the power of the foundations of the indigenous food system in a 21<sup>ST</sup> century world.

## What's in the Box? | The details OF what you'll get

The Fox Valley Technical College Venture Center's knowledge, networks and experience is a powerful combination designed to help turn ideas into reality. We are the startup experts; and will bring the Oneida Food Innovation Center to life, through the development of a



comprehensive, realistic and executable business plan for the **Oneida Food Innovation Center**. This business plan will include all of the required information as presented in the outline below.

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## **Oneida Food Innovation Center Business Plan Outline**

- I. Executive Summary
- II. Business Description
- III. The Business
  - a. Background and History
    - a. Projected Timeline for Development
  - b. Form of Ownership
  - c. Ownership/Organization Interest
- IV. The Marketing Plan
  - a. Products/Services
  - b. Target Market(s)
  - c. Business Location
  - d. Competitive Analysis
  - e. Advertising & Promotion Strategy
- V. The Operations Plan
  - a. Inputs
  - b. Facilities
  - c. Operating Costs
  - d. Licenses, Permits, Zoning, Insurance, Taxpayer Number, Corporation Status.
  - e. Production Methods
  - f. Management Structure
  - g. Staffing Plan
  - h. Employees:
    - a. Hourly
    - b. Salary
  - i. Outside Professional Services
- VI. The Financial Plan
  - a. Sources and Uses of Funds
  - b. Income Statement
  - c. Cash Flow Statement
  - d. Balance Sheet
- VII. Appendix
  - a. Oneida Food Innovation Center Feasibility Study
  - b. Additional Outside Research/Reports/Surveys/etc.

## Timeline | Process

The FVTC Venture Center has a straightforward, practical, disciplined, approach to helping our clients develop business plans that are implemented:

**Step 1:** Upon receiving notice of the contract the FVTC Venture Center Director, Amy Pietsch, will schedule a meeting with the Oneida Food Innovation Center “team” (Jeff Witte, Joanie Buckley, and others TBD) and review business plan outline and review all work done for this project to date. Monthly feedback sessions will be scheduled and a tentative timeline will be shared and discussed.

**Step 2:** Research, analysis and writing of the Oneida Food Innovation Center Business Plan will commence. FVTC Venture Center Director, Amy Pietsch will rely on IBISWorld Industry & Market Research Reports, the Oneida Food Innovation Center Feasibility Study, primary reach including interviews with industry leaders, potential startup entrepreneurs and other successful food processing and retailing ventures.

**Step 3:** This business plan is the property of the Tribe and as each section of the business plan is developed, it is presented, to Jeff Witte, and others as determined, for feedback. Any edits/additions are incorporated.

## Your Business Plan Expert



During her career, Amy has been an entrepreneur and intrapreneur. Titles of Coordinator, Associate Director, Director of Next Generation Initiatives and Owner have come and gone from her business card. Through it all, she has been working with people to launch and grow sustainable enterprises. From part-time, home-based, business owners to traditional small business owners to multi-million dollar entrepreneurial firms, Amy has helped them define their business

model, develop strategic, marketing and business plans and access alternative, traditional, angel, VC and peer-to-peer financing.

In 2004, Amy was recruited by Fox Valley Technical College to join them in their pursuit of researching the need for and then developing the vision and business plan for the Fox Valley Technical College Venture Center, which launched in September 2005. Since that time Amy has worked to create an entrepreneurship and small business resource center that, the College and the communities it serves could be proud of. The FVTC Venture Center and its core, entrepreneurship training series, E-seed™, has served thousands of people, helped 500+/- businesses to launch and grow and created thousands of jobs in the FVTC service area and throughout Wisconsin.

Amy has an impressive network enabling her to reach out and connect with experts, professionals and successful business people throughout Wisconsin and beyond. Developing business plans is her passion and she is excited to get started on the Oneida Food Innovation Center Business Plan.

## Investment

The Oneida Tribal Council will invest \$13,860.00 to have the Oneida Food Innovation Center Business Plan developed. This investment cost includes ALL meetings, research, writing, edits, layout and printing costs associated with developing the Oneida Food Innovation Center Business Plan.



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## Guarantee

FVTC offers the following guarantee: If our services do not meet your requirements as agreed upon, you are entitled to have the service redone at no additional charge.

## Next Steps

1. Agree to the Business Plan Outline.
2. Each party signs required paperwork/contract.
3. Work commences.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### **Approval of Use of Economic Development, Diversification and Community Development Fund for *ED-017 Food Innovation Center - Business 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 Economic Development, Diversification and Community Development Fund was created by resolutions # BC-09-28-16-B, BC-09-28-16-B and the procedures for use of the fund set forth in resolution # BC-12-12-18-B, *Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund*; and

**WHEREAS,** The Business Plan generated for the proposed *ED19-017 Food Innovation Center Project* will further develop the pro forma financial models which will allow the decision makers to closely analyze the potential profit/loss of this concept; and

**WHEREAS,** in accordance with resolution # BC-1-23-19-C, Resolve #3, the Community and Economic Development Division Director has submitted an agenda request with an attached accompanying memorandum recommending to fund the request as consistent with the purposes of the fund;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee does approve the allocation of \$20,000 from the Economic Development, Diversification and Community Development Fund for the purposes of supporting *ED19-017 Food Innovation Center - Business Plan* and identifies Joanie Buckley, Internal Services Director, as the responsible party for expenditure of these funds.



**Oneida Nation**  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



### **Statement of Effect**

*Approval of Use of Economic Development, Diversification and Community Development Fund  
for ED-017 Food Innovation Center - Business Plan*

### **Summary**

This resolution approves the allocation of \$20,000 from the Economic Development, Diversification and Community Development Fund for the purpose of supporting Project ED19-017, Food Innovation Center – Business Plan.

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

*Date: September 19, 2019*

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

The Economic Development, Diversification and Community Development Fund (“the Fund”) was created and reaffirmed by resolutions BC-09-28-16-B, BC-07-12-17-A, BC-12-12-18-B, and BC-01-23-19-C.

This resolution requests an allocation of \$20,000 from the Fund for the purpose of supporting Project ED19-017, Food Innovation Center – Business Plan to further develop the pro forma financial models which will allow the decision makers to closely analyze the potential profit/loss of this concept.

Resolution BC-01-23-19-C requires the Community and Economic Development Division Director to review every request for use of the Fund, determine if the proposed use is consistent with the Fund, and provide a written recommendation to the Oneida Business Committee regarding whether to authorize funds to be allocated from the Fund to a specific project.

This resolution states that this requirement was met by the action of the Community and Economic Development Division Director submitting an agenda request with attached memorandum recommending the approval of the request as consistent with the purposes of the Fund.

Resolution BC-01-23-19-C also requires that the Oneida Business Committee be responsible for authorizing use of the Fund by a resolution clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation, and the employee responsible for authorizing expenditures of the authorized amount.

This resolution states that the Oneida Business Committee does approve the allocation of \$20,000 from the Fund for the purposes of supporting Project ED19-017, Food Innovation Center – Business Plan, and has designated Joanie Buckley, Internal Services Director, as being the party responsible for overseeing the expenditure of these funds.

### **Conclusion**

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

**Oneida Business Committee Agenda Request**

Consider resolution entitled Approval of Use of Economic Development, Diversification and Community...

**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:**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  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



### **Statement of Effect**

*Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-019 SRS Strategic Acquisition – Loan Request*

### **Summary**

This resolution approves the allocation of \$1,500,000 from the Economic Development, Diversification and Community Development Fund for the purpose of supporting Project ED19-019, SRS Strategic Acquisition - Loan Request.

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

*Date: September 19, 2019*

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

The Economic Development, Diversification and Community Development Fund (“the Fund”) was created and reaffirmed by resolutions BC-09-28-16-B, BC-07-12-17-A, BC-12-12-18-B, and BC-01-23-19-C.

This resolution requests an allocation of \$1,500,000 from the Fund for the purpose of supporting Project ED19-019, SRS Strategic Acquisition - Loan Request to provide the a short-term 90-day loan of \$1.5 million dollars and will pay the fund back a \$5,000 initiation fee and LIBOR plus 1% for the term of the loan.

Resolution BC-01-23-19-C requires the Community and Economic Development Division Director to review every request for use of the Fund, determine if the proposed use is consistent with the Fund, and provide a written recommendation to the Oneida Business Committee regarding whether to authorize funds to be allocated from the Fund to a specific project.

This resolution states that this requirement was met by the action of the Community and Economic Development Division Director submitting an agenda request with attached memorandum recommending the approval of the request as consistent with the purposes of the Fund.

Resolution BC-01-23-19-C also requires that the Oneida Business Committee be responsible for authorizing use of the Fund by a resolution clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation, and the employee responsible for authorizing expenditures of the authorized amount.

This resolution states that the Oneida Business Committee does approve the allocation of \$1,500,000 from the Fund for the purposes of supporting Project ED19-019, SRS Strategic Acquisition - Loan Request, and has designated Jeff House, OESC Group CEO, as being the party responsible for overseeing the expenditure of these funds.


### **Conclusion**

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



# Memo

**To:** Oneida Business Committee

**From:** Troy D. Parr, AIA, Community & Economic Development Division Director 

**CC:** Jeff House, CEO - Oneida Engineering, Science and Construction Group

**Date:** September 13, 2019

**Re:** Recommendation for use of the Economic Development, Diversification and Community Development Set-aside Fund (EDDCDSF) – ED19-019 – SRS Strategic Acquisition

---

## Current Request

Mr. Jeff House submitted a request to me on September 6, 2019 requesting a short term 90-day loan for \$1.5 million dollars to assist with funding a strategic acquisition for one of Oneida Engineering, Science and Construction Group subsidiaries – SRS.

## Findings after Review

Although it is my opinion that this fund was not set up with the desire to use by Oneida Nation external business entities to use for short-term financing for their operations, a very similar to this request (BC Resolution BC9-26-18-G) was approved by the Oneida Business Committee which is an indication that this type of short-term funding request is approved by the Oneida Business Committee.

My recommendations do not reflect any consideration of the merits of the proposed acquisition by OESC Group Subsidiary SRS, the detail of which I have not reviewed.

## In Closing

Although in general, I don't agree that this fund was established to provide loans to our business entities, I can offer my recommendation to fund this request for use of the EDDCDSF to fund this request and the associated short-term financing the this acquisition. There are three reasons for this recommendation. First, 90 days is a very short term to use this funding. Second, the initiation fee and associated LIBOR interest paid back will positively add additional revenue to this fund. And third, if OESCG would not have issued the dividend to form this fund, it would have retained earnings which it could have used for this acquisition.

**Attachments:** BC Resolution #01-23-19-C; Memo requesting fund use from Jeff House, CEO of Oneida Engineering Science and Construction Group, dated September 6, 2019.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-019 SRS Strategic Acquisition – Loan Request

**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 Economic Development, Diversification and Community Development Fund was created by resolutions # BC-09-28-16-B, and BC-09-28-16-B, the procedures for use of the fund set forth in resolution # BC-12-12-18-B, *Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund*; and

**WHEREAS,** ED19-019 SRS Strategic Acquisition – Loan Request intends to use the Economic Development, Diversification and Community Development Fund to provide the a short-term 90-day loan of \$1.5 million dollars and will pay the fund back a \$5,000 initiation fee and LIBOR plus 1% for the term of the loan; and

**WHEREAS,** in accordance with resolution # BC-01-23-19-C, Resolve #3, the Community and Economic Development Division Director has submitted an agenda request with accompanying memorandum recommending approval of the request as consistent with the purposes of the fund;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee does approve the allocation of \$1,500,000.00 from the Economic Development, Diversification and Community Development Fund for the purposes of supporting completing the SRS Strategic Acquisition – Loan Request and delegates Mr. Jeff House, OESC Group CEO, as the responsible party for expenditure of these funds.

# Oneida Nation

Post Office Box 365

Phone: (920) 869-2214



Oneida, WI 54155

## BC Resolution # 01-23-19-C

### Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund As Amended

- 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 Business Committee adopted resolution # BC-09-28-16-B, *Assignment of Return on Investment from OTIE to Economic Development and Diversification*, which created a set-aside until an endowment could be created and directed development and adoption of standard operating procedures for the use of the restricted funds; and
- WHEREAS,** the Treasurer has proposed the development of an economic development corporation, 'Oneida Development Holdings, Inc.,' and identifying the development of the endowment creation resolution, to fulfill the directives of resolution # BC-09-28-16-B; and
- WHEREAS,** the Oneida Business Committee approved the creation of the Community & Economic Development Division and authorized the transition into finalizing this action; and
- WHEREAS,** the Oneida Business Committee approved the following Vision and Mission statements for the new division:  
Vision: To elevate the Oneida Nation by providing community & economic development practices that nurture and sustain Oneida families to prosperity.  
Mission: To strategically implement systems that foster sustainable development and commerce growth that reflect Tsi? niyukwalihotł (our ways) with innovative approaches that enrich the natural, built and business environments; and
- WHEREAS,** the original resolution adopted in 2016 regarding the OTIE disbursements do not accurately reflect the direction given to the Community & Economic Development Division; and
- WHEREAS,** OTIE has been reorganized as a subsidiary under the OESC Group, LLC; and
- WHEREAS,** the Oneida Business Committee desires to update the 2016 resolution to correctly reflect the goals of community development and economic development; and

BC Resolution # 01-23-19-C  
Updating and Clarifying Access to the Economic Development, Diversification and Community  
Development Fund As Amended  
Page 2 of 3

**WHEREAS,** the Oneida Business Committee has reviewed the Economic Development, Diversification and Community Development Fund uses and processes in the prior two years and has determined that it is an appropriate time to update the processes and to allow for greater tracking of the amount of the fund and use of the funds.

*Allocation of Dividends and Revenues*

**NOW THEREFORE BE IT RESOLVED,** that resolutions # BC-09-28-16-B, and # BC-07-12-17-A, and # BC-12-12-18-B are reaffirmed as to the creation of the Economic Development, Diversification and Community Development Fund and superseded regarding processes for access, tracking amount of the fund and use of the funds *as identified in this resolution.*

**BE IT FURTHER RESOLVED,** that the dividends and revenues from OESC Group, LLC and its subsidiaries shall be allocated to the Economic Development, Diversification and Community Development Fund and *any interest income generated by the fund shall accrue to the fund.* ~~The interest income generated by any balance shall not accrue to the Economic Development, Diversification and Community Development Fund.~~

*Review and Recommend for Use of Funds*

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall review every request for use of the fund, determine if the proposed use is consistent with the fund, and provide a written recommendation to the Oneida Business Committee regarding whether to authorize funds to be allocated from the Economic Development, Diversification and Community Development Fund to a specific project identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation.

*Authorization to Use Funds*

**BE IT FURTHER RESOLVED,** that the Oneida Business Committee shall be responsible for authorizing use of the Economic Development, Diversification and Community Development Fund by a resolution clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation, and the employee responsible for authorizing expenditures of the authorized amount.

*Tracking Balance and Use of Funds*

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall be responsible for maintaining a list of authorized uses and amounts annually forwarding that list to the Chief Financial Officer who shall be notify the Committee and Economic Development Division Director of the beginning balance in each fiscal year and authorize access to reports which identify the withdrawals from the fund.

*Allocation of Funds Once Authorized*

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer shall create the necessary accounts to identify the Economic Development, Diversification and Community Development Fund, allocations and withdrawals, including transfer of funds to a contract, CIP project, economic development opportunity or other authorized activity within the appropriate business unit.

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall, on an annual basis, obtain a reconciliation from any party authorized to utilize the funds, which may be conducted in conjunction of an internal audit or assistance from the Accounting Department.

BC Resolution # 01-23-19-C  
Updating and Clarifying Access to the Economic Development, Diversification and Community  
Development Fund As Amended  
Page 3 of 3

*Standard Operating Procedures*

**BE IT FINALLY RESOLVED**, that the Community and Economic Development Division Director and the Chief Financial Officer shall create necessary standard operating procedures consistent with this resolution.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 23<sup>rd</sup> day of January, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

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

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



Oneida ESC Group, LLC  
1033 North Mayfair Road, Suite 200  
Milwaukee, WI 53226  
P (414) 257-4200  
F (414) 257-2492

September 6, 2019

Troy Parr, AIA, LEED®AP [BD+C]  
Oneida Architect / Division Director  
Oneida Nation  
PO Box 365  
Oneida WI 54155-0365

RE: Community and Economic Development Fund Short Term Loan

Dear Mr. Parr

This letter is a requests by Oneida ESC Group LLC to use the Community and Economic Development Fund for a short term loan to finance an acquisition by our subsidiary company Sustainment and Restoration Services (SRS).

Below are the terms of the note:

Loan amount:	11,500,00 0
Interest:	3 month Libor +16
Origination fee:	15,000
Term:	6 months
Payments:	Lump sum

Please advise if you have any questions or need any additional information from me.

Regards,

Jeffrey S House

Digitally signed by Jeffrey S House  
DN: cn=Jeffrey S House, o=Oneida ESC  
Group, ou=Administration,  
email=jhouse@oesgroup.com, c=US  
Date: 2019.09.06 13:42:24 -05'00'

Jeffrey S House, President / CEO


**Oneida Business Committee Agenda Request**

Consider resolution entitled Approval of Use of Economic Development, Diversification and Community...

**1. Meeting Date Requested:** 10 / 9 / 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.

# Memo

**To:** Oneida Business Committee

**From:** Troy D. Parr, AIA, Community & Economic Development Division Director 

**CC:** Jeff House, CEO - Oneida Engineering, Science and Construction Group

**Date:** September 25, 2019

**Re:** Recommendation for use of the Economic Development, Diversification and Community Development Set-aside Fund (EDDCDSF) – ED19-021 – OESCG – 7Gen Loan Request

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## Current Request

Mr. Jeff House submitted a request to me on September 24, 2019 requesting a one-year loan for \$1,237,500 million dollars to assist with funding a bridge loan for Oneida Engineering, Science and Construction Group's newest subsidiary – Seven Generations Corporation.

## Findings after Review

Although it is my opinion that this fund was not set up with the desire to use by Oneida Nation external business entities to use for short-term financing for their operations, a very similar to this request (BC Resolution BC9-26-18-G) was approved by the Oneida Business Committee which is an indication that this type of short-term funding request is approved by the Oneida Business Committee.

My recommendations do not reflect any consideration of the merits of the proposed loan proceed uses by OESC Group Subsidiary Seven Generations Corporation, the detail of which I have not reviewed.

## In Closing

Although in general, I don't agree that this fund was established to provide loans to our business entities, I can offer my recommendation to fund this request for use of the EDDCDSF to fund this request and the associated short-term financing of this acquisition. There are three reasons for this recommendation. First, 360 days is a relatively short term to use this funding. Second, the initiation fee and associated LIBOR interest paid back will positively add additional revenue to this fund. And third, if OESCG would not have issued the dividend to form this fund, it would have retained earnings which it could have used for this bridge loan.

**Attachments:** BC Resolution #01-23-19-C; Memo requesting fund use from Jeff House, CEO of Oneida Engineering Science and Construction Group, dated September 24, 2019.



# Oneida Nation

Post Office Box 365

Phone: (920) 869-2214



Oneida, WI 54155

## BC Resolution # 01-23-19-C

### Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund As Amended

- 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 Business Committee adopted resolution # BC-09-28-16-B, *Assignment of Return on Investment from OTIE to Economic Development and Diversification*, which created a set-aside until an endowment could be created and directed development and adoption of standard operating procedures for the use of the restricted funds; and
- WHEREAS,** the Treasurer has proposed the development of an economic development corporation, 'Oneida Development Holdings, Inc.,' and identifying the development of the endowment creation resolution, to fulfill the directives of resolution # BC-09-28-16-B; and
- WHEREAS,** the Oneida Business Committee approved the creation of the Community & Economic Development Division and authorized the transition into finalizing this action; and
- WHEREAS,** the Oneida Business Committee approved the following Vision and Mission statements for the new division:  
Vision: To elevate the Oneida Nation by providing community & economic development practices that nurture and sustain Oneida families to prosperity.  
Mission: To strategically implement systems that foster sustainable development and commerce growth that reflect Tsi? niyukwalihotł (our ways) with innovative approaches that enrich the natural, built and business environments; and
- WHEREAS,** the original resolution adopted in 2016 regarding the OTIE disbursements do not accurately reflect the direction given to the Community & Economic Development Division; and
- WHEREAS,** OTIE has been reorganized as a subsidiary under the OESC Group, LLC; and
- WHEREAS,** the Oneida Business Committee desires to update the 2016 resolution to correctly reflect the goals of community development and economic development; and

BC Resolution # 01-23-19-C  
Updating and Clarifying Access to the Economic Development, Diversification and Community  
Development Fund As Amended  
Page 2 of 3

**WHEREAS,** the Oneida Business Committee has reviewed the Economic Development, Diversification and Community Development Fund uses and processes in the prior two years and has determined that it is an appropriate time to update the processes and to allow for greater tracking of the amount of the fund and use of the funds.

*Allocation of Dividends and Revenues*

**NOW THEREFORE BE IT RESOLVED,** that resolutions # BC-09-28-16-B, and # BC-07-12-17-A, and # BC-12-12-18-B are reaffirmed as to the creation of the Economic Development, Diversification and Community Development Fund and superseded regarding processes for access, tracking amount of the fund and use of the funds *as identified in this resolution.*

**BE IT FURTHER RESOLVED,** that the dividends and revenues from OESC Group, LLC and its subsidiaries shall be allocated to the Economic Development, Diversification and Community Development Fund and *any interest income generated by the fund shall accrue to the fund.* ~~The interest income generated by any balance shall not accrue to the Economic Development, Diversification and Community Development Fund.~~

*Review and Recommend for Use of Funds*

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall review every request for use of the fund, determine if the proposed use is consistent with the fund, and provide a written recommendation to the Oneida Business Committee regarding whether to authorize funds to be allocated from the Economic Development, Diversification and Community Development Fund to a specific project identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation.

*Authorization to Use Funds*

**BE IT FURTHER RESOLVED,** that the Oneida Business Committee shall be responsible for authorizing use of the Economic Development, Diversification and Community Development Fund by a resolution clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation, and the employee responsible for authorizing expenditures of the authorized amount.

*Tracking Balance and Use of Funds*

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall be responsible for maintaining a list of authorized uses and amounts annually forwarding that list to the Chief Financial Officer who shall be notify the Committee and Economic Development Division Director of the beginning balance in each fiscal year and authorize access to reports which identify the withdrawals from the fund.

*Allocation of Funds Once Authorized*

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer shall create the necessary accounts to identify the Economic Development, Diversification and Community Development Fund, allocations and withdrawals, including transfer of funds to a contract, CIP project, economic development opportunity or other authorized activity within the appropriate business unit.

**BE IT FURTHER RESOLVED,** that the Community and Economic Development Division Director shall, on an annual basis, obtain a reconciliation from any party authorized to utilize the funds, which may be conducted in conjunction of an internal audit or assistance from the Accounting Department.

BC Resolution # 01-23-19-C  
Updating and Clarifying Access to the Economic Development, Diversification and Community  
Development Fund As Amended  
Page 3 of 3

*Standard Operating Procedures*

**BE IT FINALLY RESOLVED**, that the Community and Economic Development Division Director and the Chief Financial Officer shall create necessary standard operating procedures consistent with this resolution.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 23<sup>rd</sup> day of January, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

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

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



Oneida ESC Group, LLC  
1033 North Mayfair Road, Suite 200  
Milwaukee, WI 53226  
P (414) 257-4200  
F (414) 257-2492

September 24, 2019

Troy Parr, AIA, LEED®AP [BD+C]  
Oneida Architect / Division Director  
Oneida Nation  
PO Box 365  
Oneida WI 54155-0365

RE: Community and Economic Development Fund Oneida Seven Generations Corp Bridge Loan

Dear Mr. Parr

This letter is a request by Oneida Seven Generations Corp (OSGC) and Oneida ESC Group to use the Community and Economic Development Fund for a bridge loan to facilitate the dissolution of Oneida Seven Generations Corp. OSGC will merge with 1822 Land and Development Company of Oneida, LLC. When the merger is completed, OESC will obtain new financing and OSGC will move to dissolution.

Below are the terms of the note:

Loan amount:	\$1,247,800
Interest:	3 month Libor +1%
Origination fee:	\$5,000
Term:	12 months
Payments:	Flexible: monthly and or Lump sum

Please advise if you have any questions or need any additional information from me.

Regards,

A handwritten signature in black ink, appearing to read "Jeffrey S House", with a long horizontal line extending to the right.

Jeffrey S House, OESC President / CEO

A handwritten signature in black ink, appearing to read "Pete King III", with a stylized, cursive script.

Pete King, OSGC Agent

CC: Deborah Thundercloud, Oneida Nation General Manager  
Brandon Yellowbird Stevens  
Lisa Summers, Secretary  
Ernie Stevens III, Councilmember

## PROMISSORY NOTE

This Promissory Note ("Note") is made on \_\_\_\_\_, by the Onida Seven Generations Corporation ("Maker"), whose principal place of business is located at 1201 O'Hare Boulevard, De Pere, Wisconsin 54155, in the amount of Two Million Two Hundred Forty-Seven Thousand Seven Hundred Eighty Dollars and No Cents (\$2,247,780.00).

### 1. Promise to Pay.

Maker promises to pay to the order of the Onida Nation ("Lender"), at N710 Seminary Road, P.O. Box 365, Onida, Wisconsin 54155, the sum of Two Million Two Hundred Forty-Seven Thousand Seven Hundred Eighty Dollars and No Cents (\$2,247,780.00), plus interest and fees as set forth below, according to the Terms of Repayment set forth below.

### 2. Terms of Repayment.

The principal sum outstanding from time to time under this Note shall bear interest at the rate of 3-month LIBOR plus 1.0%.

All principal and all accrued and unpaid interest and fees are due and payable on loan maturity of \_\_\_\_\_. Lender may from time to time, without notice, renew or extend the time for repayment.

Payments shall be applied first to any fees that are due, second to accrued interest as of the date of receipt thereof and the balance, if any, to principal. Maker may prepay this Note in full or in part, without penalty. Any such prepayment shall be applied first to fees due, then to accrued interest and the balance, if any, to the principal.

Maker shall pay Lender a late payment fee equal to 5% of the payment due in the event the payment is not made within fifteen (15) days of the due date.

In an event of default ("Event of Default") occurs, then, at the sole option of Lender, and without Lender forfeiting any other collection rights it may have, interest will be charged on the then outstanding principal at the rate of 8.5%.

Any balloon payment due hereunder shall be made by cashier's or certified check or wire transfer.

### 3. Purpose.

The purpose of this loan is to provide bridge financing to Maker pending Maker's merger with 1822 Land and Development Company of Onida, LLC.

#### 4. Loan Origination Fee.

Maker shall pay Lender a loan origination fee of Five Thousand Dollars and No Cents (5,000.00).

#### 5. Default.

Each of the following occurrences shall constitute an Event of Default: (1) failure of Maker to repay any principal or interest when due under the terms of this Note; (2) failure of Maker to undertake in a timely way the express and implied activities for which said Note has been executed or a substantial reduction by Maker in the scope of said activities; (3) submission or making of any false, incomplete, misleading or fraudulent report, statement, warranty, or representation by Maker or its agents in connection with this Note or any other instruments or documents evidencing indebtedness of Maker to Lender; (4) any deterioration, loss, theft, substantial damage, destruction or depreciation in the value or market price of the collateral securing repayment of this loan, that causes the collateral, in the judgment of Lender, to become unsatisfactory as to character or value; (5) occurrence of: (a) Maker becoming insolvent or bankrupt or being unable or admitting in writing its inability to pay its debts as they mature or making a general assignment for the benefit of or entering into any composition or arrangement with creditors; (b) proceedings for the appointment of receiver, trustee, or liquidator of the assets of Maker or a substantial part thereof, being authorized or instituted by or against Maker; or (c) proceedings under any bankruptcy, reorganization, readjustment of debt, insolvency, dissolution, liquidation or other similar law or any jurisdiction being authorized or instituted against Maker; (6) Maker's failure to pay when due any and all amounts due under this Note; (7) Maker's failure to submit on a timely basis any periodic or special reports as may be required under the terms of the Maker's Charter or this Note.

On the occurrence of any event of default, the holder hereof, at its sole election, may declare all of the indebtedness evidenced by this Note to be immediately due and payable and may proceed at once without further notice to enforce this Note according to law. The term "Indebtedness" shall include all principal, accrued interest, late charges, and expenses incurred collecting this Note.

No delay or failure of holder in the exercise of any right or remedy shall affect any such right or remedy, and no action taken or omitted by holder shall be deemed a waiver of any right or remedy. Neither the assessment of a late payment charge or increased interest after default shall prevent Lender from exercising its rights and remedies under this Note or any other documents or instruments evidencing indebtedness of Maker to Lender.

Each maker, endorser, surety, and guarantor of this Note hereby severally waives demand, protest, presentment, notice of nonpayment, notice of protest and diligence in bringing suit against any party and does hereby consent that time of payment of all or any part of the indebtedness may be extended from time to time by the holder hereof without notice.

If this Note is placed with an attorney for collection, for suit, or bankruptcy proceedings, Borrower agrees to pay all collection costs, court costs, and the expenses incurred, including reasonable attorney's fees at trial, on appeal and in bankruptcy proceedings.

6. Transferability.

Lender or any other holder hereof may freely sell, assign, transfer or otherwise dispose of this Note and Maker hereby consents and agrees that any subsequent holder of this Note shall have all of the rights of Lender provided herein. Maker may not transfer or assign its rights or obligations under this Note without the express written consent of Lender.

7. Amendment.

No amendment, modification, termination or waiver of any provision of this Note shall be effective unless it is in writing signed by Lender, and then such waiver or consent shall only be effective in the specific instance and for the specific purpose for which given.

8. Notices.

All notices required or provided for under this Note shall be in writing and mailed, sent or delivered, if to Maker, at Maker's address shown above, and if to Lender, at Lender's address shown above, or, as to each party, at such other address as shall be designated by such party in a written notice to the other party. All such notices shall be deemed duly given when delivered by hand or courier, or three business days after being deposited in the mail, including any private mail service, postage pre-paid.

9. Miscellaneous.

The validity, construction and enforcement of this Note are governed by the internal laws of the Oneida Nation, and Maker hereby consents to the jurisdiction of the Oneida Judiciary with respect to any action for enforcement of this Note. Invalidity of any provision of this Note shall not affect the validity of any other provision of this Note. Nothing in this Note constitutes a waiver of the sovereign immunity of Lender.

MAKER

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### **Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-021 OESCG – Seven Generations Corporation Loan Request**

**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 Economic Development, Diversification and Community Development Fund was created by resolutions # BC-09-28-16-B, BC-09-28-16-B and the procedures for use of the fund set forth in resolution # BC-12-12-18-B, *Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund*; and

**WHEREAS,** the request submitted by Mr. Jeffrey S. House, President/CEO of OESC Group, has requested a loan from the Economic Development, Diversification and Community Development Fund, the proceeds to be used for the purpose of closing out the books on Seven Generations Corporation creditors; and

**WHEREAS,** the principle of the requested amount to be loaned is \$1,247,800 and the fees associated with the loan will include the following terms: origination fee of \$5,000; interest will be 3 month LIBOR plus 1%, the term will be twelve (12) months, the payments will be flexible including monthly or lump sum; and

**WHEREAS,** in accordance with resolution # BC-01-23-19-C, Resolve #3, the Community and Economic Development Division Director has submitted an agenda request with accompanying memorandum recommending approval of the request as consistent with the purposes of the fund;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee does approve the allocation of \$1,247,800 from the Economic Development, Diversification and Community Development Fund for the purposes of supporting ED19-021 OESCG – Seven Generations Corporation Loan Request and identifies Mr. Jeffrey S. House, President/CEO of OESC Group as the responsible party for expenditure of these funds.





Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



### **Statement of Effect**

*Approval of Use of Economic Development, Diversification and Community Development Fund for ED19-021 OESCG – Seven Generations Corporation Loan Request*

### **Summary**

This resolution approves the allocation of \$1,247,800 from the Economic Development, Diversification and Community Development Fund for the purpose of supporting Project ED19-021 OESCG – Seven Generations Corporation Loan Request.

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

*Date: September 27, 2019*

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

The Economic Development, Diversification and Community Development Fund (“the Fund”) was created and reaffirmed by resolutions BC-09-28-16-B, BC-07-12-17-A, BC-12-12-18-B, and BC-01-23-19-C.

This resolution requests an allocation of \$1,247,800 from the Fund for the purpose of supporting Project ED19-021 OESCG – Seven Generations Corporation Loan Request to provide a loan to be used for the purpose of closing out the books on Seven Generations Corporation creditors.

Resolution BC-01-23-19-C requires the Community and Economic Development Division Director to review every request for use of the Fund, determine if the proposed use is consistent with the Fund, and provide a written recommendation to the Oneida Business Committee regarding whether to authorize funds to be allocated from the Fund to a specific project.

This resolution states that this requirement was met by the action of the Community and Economic Development Division Director submitting an agenda request with attached memorandum recommending the approval of the request as consistent with the purposes of the Fund.

Resolution BC-01-23-19-C also requires that the Oneida Business Committee be responsible for authorizing use of the Fund by a resolution clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation, and the employee responsible for authorizing expenditures of the authorized amount.

This resolution states that the Oneida Business Committee does approve the allocation of \$1,247,800 from the Fund for the purpose of supporting Project ED19-021 OESCG – Seven Generations Corporation Loan Request, and has designated Jeffrey S. House, President/CEO of OESC Group, as being the party responsible for overseeing the expenditure of these funds.

### **Conclusion**

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

**Oneida Business Committee Agenda Request**

Adopt resolution entitled Appointment of Councilwoman Jennifer Webster to the Center for Medicare &amp;...

**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:

Requesting the Business Committee's adoption of the resolution to name Councilwoman Jennifer Webster as the Bemidji Area TTAG Representative and reaffirm David Larson as the technical advisor.

**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:

Additional Requestor:

Additional Requestor:

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

#### Request:

Business Committee adoption of the attached resolution appointing Councilwoman Jennifer Webster as the Bemidji Area TTAG representative and reaffirm the appointment of David Larson as the Bemidji Area Technical Advisor.

#### Background

In 2013, the Oneida Nation Business Committee appointed me to serve as the Bemidji Area Representative on the Center for Medicaid and Medicare Services (CMS) Tribal Technical Advisory Group (TTAG). TTAG's purpose is to provide advice and input to CMS on policy and program issues impacting American Indians and Alaska Natives (AI/AN) served by CMS' programs. TTAG meets face to face 3 times a year, holds monthly conference calls, and subcommittee meetings are held on a regular basis. The National Indian Health Board, NCAI, Tribal Self Governance Advisory Committee, IHS and the National Council of Urban Indian Health also serve on TTAG along with every IHS region in Indian Country represented.

The Oneida Nation utilizes this platform to advocate heavily on health care issues impacting the Bemidji area Tribes and has developed a system of communication between the Tribes, IHS and the TTAG representative. Also during my time on TTAG, our technical advisor was inactive and eventually David Larson was named the Bemidji Area TTAG Technical Advisor.

Oneida has been a staunch supporter of TTAG and has used this seat to move the needle in Indian healthcare issues and has significantly influenced the policy/regulation that CMS issues. As my term expires in December 2019, I made an informal recommendation to the Bemidji IHS Director to appoint Councilwoman Webster as the new TTAG representative, and he has informally accepted my recommendation. I was requested to provide a letter to the IHS Director making the recommendation and was advised that I should include a Business Committee resolution showing support of the appointment.

- 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

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### **Appointment of Councilwoman Jennifer Webster to the Center for Medicare & Medicaid Services Tribal Technical Advisory Group**

**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 Business Committee recognizes the importance of Tribal Nations being on the forefront of Indian healthcare issues; and

**WHEREAS,** an Oneida Nation representative has served on the Center for Medicaid and Medicare Services (CMS) Tribal Technical Advisory Group (TTAG) for the past 5 years; and

**WHEREAS,** Councilwoman Jennifer Webster has been delegated the responsibility to serve as the liaison to the Oneida Comprehensive Health Division; and

**WHEREAS,** the Oneida Nation recognizes the value of the TTAG and the efforts being made to advance tribal interests in the decision made by CMS; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Nation hereby authorizes Councilwoman Jennifer Webster to serve in the capacity of Bemidji area representative on the CMS Tribal Technical Advisory Group, with Oneida Director of Continuum of Care, David Larson, continuing to fulfill the responsibilities of Bemidji Area Technical Advisor.

## CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; \_ members were present at a meeting duly called, noticed and held on the \_ day of \_\_; that the foregoing resolution was duly adopted at such meeting by a vote of \_ member for; \_ member against; \_ members not voting; and that said resolution has not been rescinded or amended in any way.

**Oneida Business Committee Agenda Request**

Adopt resolution entitled Appointing Delegates to the National Congress of American Indians

**1. Meeting Date Requested:**    \_\_\_ / \_\_\_ / \_\_\_**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:

Additional Requestor:

Additional Requestor:

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Resolution # Appointing Delegates to the National Congress of American Indians**

**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 wishes to become a member in good standing in the National Congress of American Indians (NCAI); and

**WHEREAS,** the Oneida Nation meets all the requirements for Tribal membership, pursuant to Article III - Members, Section B of the Constitution and By-Laws of NCAI.

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee, which is the official governing body of the Oneida Nation, hereby authorizes Tehassi?tasi Hill, Chairman, who is the official principal tribal official, to take the necessary action to place the Oneida Nation in Membership with NCAI.

**BE IT FURTHER RESOLVED,** that Tribal funds in the amount of \$6,500, based on the Tribal Membership dues schedule in the NCAI By-Laws, Article III - Members, Section C 2, are authorized to be paid for NCAI membership.

**BE IT FURTHER RESOLVED,** that based on the tribal enrollment of 17,374 persons, the Oneida Nation shall have 180 votes in accordance with Article III - Members, Section 1d.

**BE IT FINALLY RESOLVED** that, pursuant to Article III - Members, Section B 1(b), of the NCAI Constitution, the Oneida Nation designates the following persons as Delegate and Alternate Delegate(s) and instructs them to become Individual Members in Good Standing with NCAI in order to fulfill their responsibilities as Official Delegates and Alternate Delegates to the National Congress of American Indians Annual Convention, Executive Council Winter Session, and Mid-Year Conference and Executive Council Meetings.

Delegate: Tehassi?tasi Hill  
Title: Chairman

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

Alternate: Brandon L. Yellowbird-Stevens  
Title: Vice-Chairman

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

Alternate: Lisa Summers  
Title: Secretary

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

**BC Resolution #**  
**Appointing Delegates to the National Congress of American Indians**  
**Page 2 of 2**

Alternate: Patricia King  
Title: Treasurer

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

Alternate: Daniel Guzman  
Title: Councilman

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

Alternate: David P. Jordan  
Title: Councilman

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

Alternate: Kirby Metoxen  
Title: Councilman

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

Alternate: Ernest Stevens III  
Title: Councilman

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

Alternate: Jennifer Webster  
Title: Councilwoman

Signature: \_\_\_\_\_  
Term Expiration Date: August 2020

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; \_ members were present at a meeting duly called, noticed and held on the 12<sup>th</sup> day of September, 2018; that the forgoing resolution was duly adopted at such meeting by a vote\* of \_ members for, \_ members against, and \_ members not voting; and that said resolution has not been rescinded or amended in any way.

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

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

**Invoice**

Customer ID: 1571  
Invoice Number: 091910  
Invoice Date: 7/19/2019  
Notes: Renewal invoice

Order Tracking #141620 - 1571

Oneida Nation  
PO Box 365  
Oneida, WI 54155-0365

**Please remit payment to:**

National Congress Of American  
Indians  
1516 P Street NW  
Washington, DC 20005  
United States  
(P) (202) 466-7767  
(F) (202) 466-7797

**Balance Due** **\$6,500.00**

**Total Payment Amount** **\$**

Oneida Nation  
PO Box 365  
Oneida, WI 54155-0365

Customer ID: 1571  
Invoice Number: 091910  
Invoice Date: 7/19/2019  
Notes: Renewal invoice

Item	Misc Product Notes	Unit Price	Quantity	Amount
Tribal Membership		\$6,500.00	1	\$6,500.00
Term: 10/1/2019 - 9/30/2020				
<b>Subtotal</b>				\$6,500.00
Discount				\$0.00
<b>Invoice Total</b>				\$6,500.00
<b>Balance Due</b>				\$6,500.00



## **National Congress of American Indians** **2019 Election Procedures**

**Date:** August 19, 2019  
**To:** Membership of the National Congress of American Indians  
**From:** Juanita Ahtone, Elections Committee Chair  
**Re:** Elections for National Congress of American Indians  
NCAI 76th Annual Convention – October 20-25, 2019, Albuquerque, NM

This is an election year for the National Congress of American Indians, and I would like to encourage all tribal leaders and members of NCAI to participate in the elections at the Annual Convention in Albuquerque, NM. NCAI is a great organization with a very important mission: to work in unity with tribes for the protection of tribal sovereignty and treaty rights and to promote the welfare of Native people. It is up to all of us to elect the members of the Executive Committee who will take on the responsibility to provide the leadership and ensure that this mission is accomplished. The following is some information about the procedures for the election:

**Registration and Membership** – In order to vote in the election, both tribal delegates and Indian individual members must be members in good standing and registered at the conference. Membership dues and registration fees for the Annual Convention are the major source of NCAI's annual budget so it goes to a good cause. I would like to encourage everyone to register early for the Annual Convention. In order to cast the tribal votes, you must have a current resolution from your tribal council stating that you are the delegate or alternate delegate for the tribe. You can register online [here](#) and find a model resolution at <http://www.ncai.org/membership/tribal-membership>

**Time Frames for Registration and Credentials** – To vote you must have registered and credentialed by Wednesday, October 23, 2019 at 5:00 pm Mountain time zone. This deadline will be printed in the agenda so all are on notice.

### **Election Schedule and Balloting Process**

Potential candidates and voters should note the following about the election schedule:

- 1) Nominations will take place Wednesday, October 23 at 10:30 am during General Assembly. Candidates must be present in General Assembly during this time for nominations and candidate speeches will follow directly afterwards;
- 2) Candidate speeches immediately follow the nominations on Wednesday, October 23. Candidate speeches are limited to five minutes;
- 3) Voting will take place in a separate room from General Assembly, between 8:00 am and 10:00 am on Thursday, October 24, in the San Miguel/Ruidoso (215/220) Room;
- 4) In the event of a runoff between candidates, voting will take place between 11:00 am and 12:00 pm on Thursday, October 24 in the San Miguel/Ruidoso (215/220) Room.

**Eligibility Rules for Administrative Board – Tribal Resolution Required** – Candidates for the Administrative Board, which is the top four officers: the President, First Vice-President, Treasurer, and Recording Secretary must be “supported by a resolution from their tribe.” Overall, all

candidates for the Administrative Board or for Regional Vice President must be tribal delegates or alternates to their enrolled tribes, members of NCAI in good standing, and must be tribal officials who are elected or appointed to represent their tribal government.

**Process for Voting in the Regional Caucuses** – The following are the rules for voting in regional caucuses for the Regional Vice Presidents.

**Voting in Regional Caucuses**

Each regional caucus may determine its own procedures for elections of Regional Vice Presidents and Alternates. Election procedures should be announced in caucus on the day before the election, and may respect agreements among the different areas of the region. Elections may be conducted by “one-person-one-vote” or by “one-tribe-one-vote.”

However, if consensus cannot be reached on election procedures the Elections Committee will assist in the election and the procedure will follow the regular weighted voting system where each Indian individual member is entitled to one vote and each member tribe is entitled to 100 to 180 votes, depending upon the enrollment of the tribe, following the rules of the NCA By-Laws, Article III, Section B 1(d).

Again, all candidates must be (1) an NCAI tribal delegates or alternate, and (2) a tribal official who is currently elected or appointed to represent his or her own tribal government. If there are any questions about eligibility please see me and we will discuss with the Parliamentarian.

**Volunteers Needed** – The elections committee will need two volunteers from each of the Regional Caucuses to assist us in administering the election. Having volunteers from each Region ensures that the elections are administered fairly and that we have enough assistance to complete the work efficiently. The volunteers should meet at 12:00 noon on Tuesday, October 22 in the Meeting Room Ruidoso (220). We have contracted with an election services company that will handle the printing of ballots and electronic ballot counting under the direction of the Elections Committee.

**Unregistered Members** – The NCAI Constitution is clear that registration at the conference is required in order to vote. So even if a person or tribe is a member of NCAI (they have paid their membership dues) they must also register for the conference in order to vote.

**Vendors** – Registering for the conference is not the same as participating in the trade show as a vendor. The NCAI Constitution and the vendor contracts are clear that separate registration is required for the conference if you wish to vote in elections.

**Conference Volunteers** - If a volunteer would like to vote they will be required to pay the conference registration and their individual membership dues in order to vote.

**Speakers** – Invited speakers are not required to pay registration fees for the day they are speaking. Their name badges have a ribbon that says “speaker” but they do not get a “registrant” ribbon unless they register for the conference and pay the fee. In order to vote they will need to be registered and have paid their Indian individual membership dues.

**Hotel and Meeting Space** - Campaign material can be distributed by hand but not within fifty (50) feet of the doors to the General Assembly hall, the Rules and Credentials table, or the Registration area.

No banners, hand held signs, or distribution of campaign materials will be allowed in the general assembly hall. NCAI will allow campaign information to be left on the chairs in the general assembly room; however, these materials must be placed before the meeting is called to order or during breaks.

The property has a policy of allowing items to be only taped on the walls using blue painters tape. The center may rent easels directly to a candidate who makes prior arrangements with the property (limited quantity). Please do not affix campaign materials to NCAI signs.

NCAI will provide a candidate information table where candidates can leave their campaign material (this will be separate from the NCAI information table). These tables are not to be staffed but an area to leave materials.

Candidates can rent tables directly from the center for their campaigns based on availability. Banners must be hung by the center. The center will directly charge the candidate for this service. It is the responsibility of each campaign to make arrangements for removing and cleaning up post-election. Any expenses NCAI incurs from the center for a candidates material will be invoiced by NCAI to the candidate. Any request to distribute food samples must be submitted and approved by the center two weeks prior to the event. The sample size is limited to one (1) ounce. The exception to this is little individually wrapped candies, mints, or gum.

In previous elections, some candidates used other methods to advertise through the hotel (e.g. advertisement run on the hotel channel, hotel distribution of materials to each sleeping room, etc.). It will be the responsibility of a candidate to contact the host hotels for cost estimates or availability of such services. Contact the Event Manager, ahead of time to make arrangements for anything needed from the convention center and to make payment arrangements directly with them.

**Logistics and onsite contact**

Valeria Gutierrez

Event Manager

Albuquerque Convention Center

(505) 459-0925

[vgutierrez@albuquerqueecc.com](mailto:vgutierrez@albuquerqueecc.com)

**Credential Membership and Individual Membership Lists** – Monday through Wednesday, October 21 – 23, 2019 at 5:00 p.m. the list of the member tribes, who have completed the credential process, and individual members will be posted near the Rules and Credentials area. NCAI membership records are proprietary information and will only be posted at Rules and Credentials area. This allows everyone to have access to the list at the same time and verify the status of their membership prior to elections.

**NCAI Constitution, Bylaws and Standing Rules** – The complete rules for the election process and the roles and responsibilities for the NCAI Executive Committee are found in the NCAI Constitution, Bylaws and Standing Rules, which are on our website at <http://www.ncai.org/about-ncai/ncai-governance/constitution-bylaws-rules-of-order>

If you have further questions contact the Elections Committee Chair, Juanita Ahtone at 405.933.1095. Thank you on behalf of the Elections Committee.

Oneida Business Committee Agenda Request

Determine next steps regarding three (3) vacancies - Oneida Election Board

1. Meeting Date Requested: 10 / 09 / 19

2. General Information:

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

Agenda Header: Appointments

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

Determine next steps regarding three (3) vacancies - Oneida Election 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, Boards, Committees, and Commissions 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:

Three (3) vacancies were posted for the Oneida Election Board to complete terms ending July 31, 2022.

The application deadline was September 20, 2019 and four (4) applications were received for the following applicants:

Racquel Hill  
Patricia Moore  
Lisa Huff  
Tomas Escamea

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint applicant(s) to terms ending July 31, 2022 ; OR
  - (a) reject the selected applicant(s) and oppose the vote\*\*; OR
- (2) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

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 Agenda Request

Determine next steps regarding two (2) vacancies - Oneida Pow-wow Committee

1. Meeting Date Requested: 10 / 09 / 19

2. General Information:

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

Agenda Header: Appointments

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

Determine next steps regarding two (2) vacancies - Oneida Pow-wow Committee

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, Boards, Committees, and Commissions 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:

Two (2) vacancies were posted for the Oneida Pow-wow Committee to complete terms ending February 28, 2022 and February 28, 2023.

The application deadline was September 20, 2019 and two (2) applications were received for the following applicants:

Vicki Cornelius  
Floyd W. Silas Sr.

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint applicant(s) to term ending February 28, 2022 or February 28, 2023; OR
  - (a) reject the selected applicant(s) and oppose the vote\*\*; OR
- (2) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

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Oneida Business Committee Agenda Request

Determine next steps regarding one (1) vacancy - Oneida Personnel Commission

1. Meeting Date Requested: 10 / 01 / 19

2. General Information:

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

Agenda Header: Appointments

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

Determine next steps regarding one (1) vacancy - Oneida Personnel Commission

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, Boards, Committees, and Commissions 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:

One (1) vacancy was posted for the Oneida Personnel Commission to complete term ending March 31, 2022.

The application deadline was September 20, 2019 and five (5) applications were received for the following applicants:

Matthew Denny  
Renee Zakhar  
Tomas Escamea  
Gerald DeCoteau  
Mary J. Doxtator

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint to term ending March 31, 2022; OR
  - (a) reject the selected applicant(s) and oppose the vote\*\*; OR
- (2) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

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 Agenda Request**

Determine next steps regarding five (5) Pro Tem vacancies - Oneida Personnel Commission

**1. Meeting Date Requested:** 10 / 01 / 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 Business Committee Agenda Request****6. Cover Memo:**

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

Five (5) Pro Tem vacancies were posted for the Oneida Personnel Commission for terms ending March 31, 2021, March 31, 2022, March 31, 2023, March 31, 2024 or March 31, 2025.

The application deadline was September 20, 2019 and three (3) applications were received for the following applicants:

Matthew Denny  
Renee Zakhar  
Gerald DeCoteau

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint applicant(s) to term ending March 31, 2021, March 31, 2022, March 31, 2023, March 31, 2024 or March 31, 2025; OR
  - (a) reject the selected applicant(s) and oppose the vote\*\*; OR
- (2) repost the vacancy(ies) in accordance with § 105.5-5. due to an insufficient number of applicants; OR
- (3) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

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 Agenda Request**

Accept the October 2, 2019 regular Legislative Operating Committee meeting minutes

**1. Meeting Date Requested:** 10 / 9 / 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  
PO Box 365 • Oneida, WI 54155-0365  
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**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
September 18, 2019  
9:00 a.m.

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

**Excused:** Kirby Metoxen

**Others Present:** Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Lisa Liggins, Hon. Layatalati Hill, Hon. Denise Beans, JoAnne House, Ralinda Ninham-Lamberies, Jameson Wilson.

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

David P. Jordan called the September 18, 2019, Legislative Operating Committee meeting to order at 9:03 a.m.

Motion by Daniel Guzman King to adopt the agenda; seconded by Jennifer Webster. Motion carried unanimously.

**II. Minutes to be Approved**

Motion by Jennifer Webster to approve the September 04, 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. Child Support Amendments (1:53-5:31)**

Motion by Jennifer Webster to approve the updated draft and legislative analysis; seconded by Ernest Stevens III. Motion carried unanimously.

Motion by Ernest Stevens III to approve public meeting and forward to the Child Support law to a public meeting to be held on October 17, 2019; seconded by Jennifer Webster. Motion carried unanimously.

**2. Oneida Police Commission Bylaws Amendments (5:33-13:56)**

Motion by Jennifer Webster to accept the Police Commission Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

**3. Anna John Resident Centered Care Community Board Bylaws Amendments (13:58-18:45)**

Motion by Ernest Stevens III to accept the Anna John Resident Centered Care Community Board Bylaws Amendments and forward to the Oneida Business



Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

4. **Oneida Election Board Bylaws Amendments** (18:47-20:12 )

Motion by Jennifer Webster to accept the Oneida Election Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

5. **Oneida Community Library Boards Bylaws Amendments** (20:15-23:05)

Motion by Jennifer Webster to accept the Library Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

6. **Oneida Nation Veteran Affairs Committee** (23:06-24:54)

Motion by Ernest Stevens III to accept the Oneida Nation Veteran Affairs Committee Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

7. **Oneida Powwow Committee Bylaws Amendments** (24:55-28:11)

Motion by Ernest Stevens III to accept the Powwow Committee Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

**IV. New Submissions**

**V. Additions**

**VI. Administrative Items**

1. **Judiciary Law Rule No. 1 – Oneida Trial Court Rules** (28:12-30:30)

Motion by Jennifer Webster to certify the Judiciary Law Rule No. 1 – Oneida Trial Court Rules and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

**VII. Executive Session**

**VIII. Adjourn**

Motion by Ernest Stevens III to adjourn the September 18, 2019, Legislative Operating Committee meeting at 9:34 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.

**Oneida Business Committee Agenda Request**

Adopt resolution entitled Curfew Law

**1. Meeting Date Requested:** 10 / 9 / 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  
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Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
Oneida-nsn.gov



TO: Oneida Business Committee  
FROM: David P. Jordan, LOC Chairperson  
DATE: October 9, 2019  
RE: Curfew Law

Please find the following attached backup documentation for your consideration of the proposed Curfew law:

1. Resolution: Curfew Law
2. Statement of Effect: Curfew Law
3. Curfew Law Legislative Analysis
4. Curfew Law
5. Curfew Law Fiscal Impact Statement

#### *Overview*

On December 19, 2018, the Legislative Operating Committee decided to pursue the development of a Curfew law. The recommendation for the development of a Curfew law was brought to the Legislative Operating Committee by the Nation's Tribal Action Plan – Laws and Policy Subcommittee. The Legislative Operating Committee also received input requesting the development of a Curfew law during the November 2018 Community Budget Session.

The purpose of the proposed Curfew law is to protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor. [3 O.C. 308.1-1].

This resolution adopts the proposed Curfew law which will:

- Prohibit any minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation, unless the minor is accompanied by a parent, guardian, or legal custodian [3 O.C. 308.5-1];
- Prohibit any parent, guardian, or legal custodian from knowingly permitting or failing to take action to prevent a minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation [3 O.C. 308.5-2];
- Provide various exemptions to the curfew, where a minor will not be considered to be violating the curfew if at the time of the alleged violation the minor was engaged in specific activities [3 O.C. 308.5-3];

- Provide the enforcement procedure to be used by the Oneida Police Department when enforcing a suspected curfew violation [3 O.C. 308.6]; and
- Provide the various penalties that can be imposed by the Family Court against the minor and/or the minor's parent, guardian, or legal custodian upon a finding by Family Court that a violation of this Law has occurred [3 O.C. 308.7-1].

The Legislative Operating Committee developed the proposed Curfew law through collaboration with representatives from the Oneida Police Department and Oneida Nation High School Clan Council. The Legislative Operating Committee also reviewed various laws of the Nation, as well as twelve (12) curfew laws from other local municipalities and tribes. Additionally, the Legislative Operating Committee held a community meeting on March 21, 2019, to gather input, ideas, and concerns from members of the community regarding the proposed Curfew law. Unfortunately, no one attended this community meeting to participate in the development of this law.

In accordance with the Legislative Procedures Act, a public meeting on the Curfew law was held on July 18, 2019. One (1) person provided oral comments during the public meeting. The public comment period was then held open until July 25, 2019. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on August 15, 2019. Any changes made based on those comments have been incorporated into this draft.

**Requested Action**

Approve the Resolution: Curfew Law.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Curfew Law

- 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 purpose of the Curfew law ("the Law") is to protect the health, safety, and welfare of  
12 persons and property within the Reservation by regulating the activities of minors on the  
13 Reservation during certain hours, while imposing certain obligations and responsibilities on  
14 the parents, guardians, and/or legal custodians of a minor for the control and supervision  
15 of that minor; and  
16  
17 **WHEREAS,** the Law prohibits any minor from being on any public space either on foot or in any vehicle  
18 driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of  
19 the Reservation, unless the minor is accompanied by a parent, guardian, or legal  
20 custodian; and  
21  
22 **WHEREAS,** the Law prohibits any parent, guardian, or legal custodian from knowingly permitting or  
23 failing to take action to prevent a minor from being on any public space either on foot or in  
24 any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the  
25 boundaries of the Reservation; and  
26  
27 **WHEREAS,** the Law provides various exemptions to the curfew, where a minor will not be considered  
28 to be violating the curfew if at the time of the alleged violation the minor was engaged in  
29 specific activities; and  
30  
31 **WHEREAS,** the Law provides the enforcement procedure to be used by the Oneida Police Department  
32 when enforcing a suspected curfew violation; and  
33  
34 **WHEREAS,** the Law provides various penalties that can be imposed by the Family Court against the  
35 minor and/or the minor's parent, guardian, and/or legal custodian upon a finding by the  
36 Family Court that a violation of this Law has occurred; and  
37  
38 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact  
39 statement were developed for this Law; and  
40  
41 **WHEREAS,** a public meeting on the Law was held on July 18, 2019, in accordance with the Legislative  
42 Procedures Act, and the public comment period was held open until July 25, 2019; and  
43

BC Resolution # \_\_\_\_\_  
Curfew Law  
Page 2 of 2

44 **WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public  
45 comments received on August 15, 2019; and  
46

47 **NOW THEREFORE BE IT RESOLVED,** that the Curfew law is hereby adopted and shall be effective on  
48 October 23, 2019.  
49

50 **BE IT FINALLY RESOLVED,** the Legislative Reference Office shall conduct a one (1) year review of the  
51 Curfew law and provide the Oneida Business Committee a report which details the number of citations  
52 issued by the Oneida Police Department, frequency and types of penalties issued by the Oneida Family  
53 Court, and any other relevant information.  
54





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

### ***Summary***

This resolution adopts the Curfew law which will protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*  
*Date: September 23, 2019*

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

This resolution adopts the proposed Curfew law. The proposed Curfew law will protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor. [3 O.C. 308.1-1]. It is the policy of the Nation to support all drug use prevention initiatives of the Nation by protecting the health, safety, and welfare of persons through the establishment of a curfew for minors in public spaces within the Reservation during certain hours in an effort to minimize the opportunity for harm to come to minors during those hours. [3 O.C. 308.1-2].

Adoption of any legislation is required to comply with the Legislative Procedures Act (“the LPA”), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Curfew law complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

A public meeting on the proposed Curfew law was held on July 18, 2019. One (1) person provided oral comments during the public meeting. The public comment period was then held open until July 25, 2019. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on August 15, 2019. Any changes made based on those comments have been incorporated into this draft.

The Curfew law will become effective ten (10) business days after the adoption of this resolution in accordance with the LPA. [1 O.C. 109.9-3].

### ***Conclusion***

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



**tayethinatshawk·late? kayanlksla?**  
(duh ye teen uh zah wah lahday guyan luh sla)  
*we'll put our arms across to stop them*  
**CURFEW LAW LEGISLATIVE ANALYSIS**

**SECTION 1. EXECUTIVE SUMMARY**

<b>REQUESTER:</b> Tribal Action Plan Laws and Policy Subcommittee	<b>SPONSOR:</b> Ernest Sevens II	<b>DRAFTER:</b> Clorissa N. Santiago	<b>ANALYST:</b> Maureen Perkins
<b>Intent of the Legislation</b>	The Tribal Action Plan (TAP) Laws and Policy Subcommittee recommended the Legislative Operating Committee (LOC) draft a curfew law to protect the safety of youth in the community, as well as provide accountability to both youth and parents through consequences that reflect the circumstances and needs of the community. The Curfew law ("Law") will protect the health, safety and welfare of persons and property on the Reservation by restricting access to public spaces by minors during certain night time and early morning hours.		
<b>Purpose</b>	To protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of minors for the control and supervision of minors [3 O.C. 308.1-1].		
<b>Affected Entities</b>	Oneida Police Department (OPD) and Oneida Judiciary		
<b>Related Legislation</b>	Family Court law, Per Capita law, Garnishment law, Rules of Appellate Procedure, Family Court Rules, Oneida Judiciary Rules of Evidence, Oneida Judiciary Rules of Civil Procedure, Landlord-Tenant law		
<b>Enforcement</b>	<p>The OPD will enforce suspected violations of this Law by issuing warnings and citations [3 O.C. 308.6].</p> <p>Citations issued result in a mandatory appearance at a citation pre-hearing for both the minor and his or her parent, guardian, or legal custodian.</p> <ul style="list-style-type: none"> <li>The Family Court may issue conditional orders as well as penalties that include fines, community service, mandatory participation in family counseling or parenting programs, and any other penalty the Family Court deems appropriate [3 O.C. 308.6-3(a) and (c)]. The Family Court may stay a penalty at its discretion [3 O.C. 308.7-2].</li> <li>All fines will be paid to the Judiciary within ninety (90) days after the order is issued or upheld on final appeal, whichever is later. This deadline may be extended at the discretion of the Family Court. If a fine is not paid the Family Court may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process or any other collection process available to the Family Court [3 O.C. 308.7-1(a)(3)].</li> </ul>		
<b>Due Process</b>	A citation for a violation of this Law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 308.6-3(b)].		
<b>Public Meeting</b>	A public meeting was held on July 18, 2019. Comments were considered by the LOC and changes were directed to the law on August 15, 2019.		
<b>Fiscal Impact</b>	The LOC has directed the Finance Department to provide the LOC with a fiscal impact statement of the proposed Curfew law by September 18, 2019; in accordance with the Legislative Procedures Act.		

## SECTION 2. LEGISLATIVE DEVELOPMENT

A. **Background.** The Nation does not currently have a law establishing a curfew governing minors in public spaces during certain night time and early morning hours. This Curfew law was requested by the Tribal Action Plan (TAP) Laws and Policy Subcommittee which included input from a cross functional core team that included representatives from the Oneida Business Committee (OBC), Oneida Police Department, Governmental Services Division, Oneida Gaming Commission, Oneida Family Support Services, Legislative Operating Committee, Legislative Reference Office (LRO), Oneida Human Resources Department and Retail Division. This team concluded that a curfew law would help curtail opportunities for minors to be influenced by drugs by limiting their presence in public spaces within the community during certain hours, including night time and early morning, without the presence of a parent, guardian, or legal custodian.

### *Outreach Efforts*

Outreach with the community was held during the Community Budget Session on November 30, 2018 where the LOC had an opportunity to collect input from participants by asking them to share their ideas about new laws, amendments to existing laws or anything else they wanted to share. Participants indicated the need for a curfew law for the Reservation [*LOC FY19 First Quarter Report*]. Additionally, a community outreach event was held on March 21, 2019 at the Norbert Hill Center cafeteria from 5:00 p.m. to 7:30 p.m. to collect input from the community. No members of the community participated in this event.

### *Related Research*

Research conducted regarding curfew laws revealed that the most common goals of a curfew law are to 1) protect children from becoming victims or perpetrators of crimes, 2) assist parents in exercising their responsibility over minors, and 3) prevent all persons from the dangers posed by unsupervised minors who are out late at night and in the early morning hours. Research indicates that curfew laws may protect youth from victimization and prevent juvenile crimes and delinquency by reducing or preventing exposure of youth to negative situations by restricting their access to public spaces at night and early morning hours [*Grossman & Martin, 2015*]. Although some research has indicated that most crimes involving minors take place during after school hours rather than late at night or early morning hours [*Meyers, 2016*]; the goal of this legislation within the Oneida Reservation is to keep minors safe and accounted for during curfew hours.

According to the Office of Juvenile and Delinquency Prevention; the following contribute to the successful implementation of curfew policies:

- Community involvement;
- Creating specific procedures for repeat offenders such as recreational, educational, and job opportunities as well as antidrug and atigang programs;
- Providing a hotline for community questions or problems related to curfews or juvenile delinquency in general; and
- Providing intervention services for juveniles and their families.

B. **Previous Attempts to Implement a Curfew.** The LOC has considered a law that included a curfew in the past. A curfew provision was considered in a Public Nuisances law drafted by the LOC in 2010; however, this law was not completed or adopted.

- Previous attempts at regulating minors through a curfew that were not legislative include a curfew requirement of 10:00 p.m. to 6:00 a.m. that was included in previous Oneida Housing Authority tenant leases. This provision is not in current leases [*Email Communication 05/03/2019, Scott Denny, Residential Rentals & Outreach Area Manager, Oneida Comprehensive Housing Division*].

C. **Expected Benefits.** The purpose of this legislation is to provide a clear timeframe that minors must be out of public spaces and accounted for by their parents, guardians or legal custodians. Members of the Oneida Nation High School Clan Council indicated that a curfew law may help to prevent teens from partying, staying out late and engaging in other bad behaviors; as well as helping with responsibility, encouraging youth to stay out of trouble and encouraging safety and school attendance. A curfew law

provides a means for parents to enforce a curfew with their children to provide an additional measure of safety, accountability, obligation and responsibility to both the Nation's minors and adults [McDowall, Loftin & Wiersema, 2009]. A curfew law provides OPD with a means to engage with suspected minors during curfew hours to tell them to go home and to encourage adult supervision of minors during curfew hours. OPD has expressed that the goal is to keep minors safe and to prevent vandalized property, arson, graffiti, petty theft and drug issues.

### SECTION 3. CONSULTATION AND OUTREACH

**A. Departments and Groups.** The following departments and groups participated in the development of this Law:

1. Oneida Police Department; and
2. Members of the Oneida Nation High School Clan Council.

**B. Laws of the Nation.** The drafting of this legislative analysis included a review of the following laws of the Nation: Family Court law, Family Court Rules, Rules of Appellate Procedure, Oneida Judiciary Rules of Evidence, Oneida Judiciary Rules of Civil Procedure, Per Capita law, Garnishment law, Public Use of Tribal Lands law, and Landlord-Tenant law.

**C. Area and Tribal Laws.** The following curfew laws from surrounding municipalities and other tribal communities were reviewed. The chart provides a breakdown of the ages and curfew time frames the laws apply to.

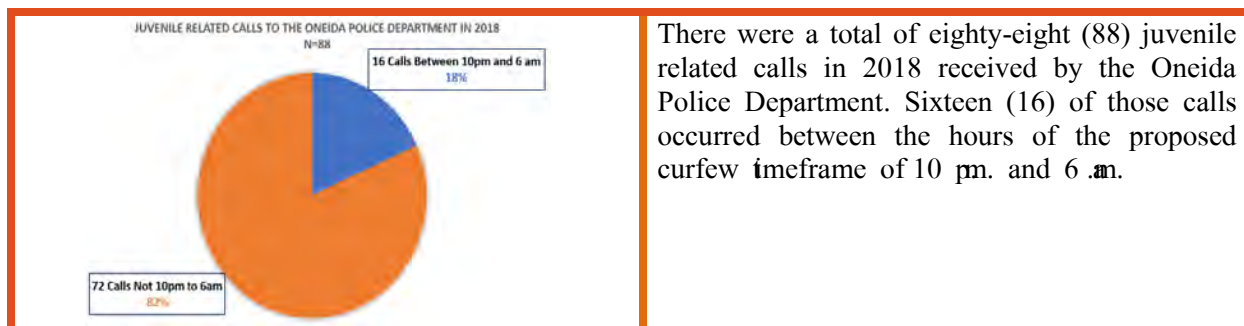
Municipality or Tribe	Curfew Applies to Ages:	Curfew in Effect From:
Brown County	Under 17	10pm to 6am
Village of Hobart	Under 17	10pm to 6am
City of Green Bay	Under 17	10pm to 6am
City of De Pere	Under 17	10pm to 6am
Village of Ashwaubenon	Under 17	10pm to 6am
City of Seymour	Under 17	11pm to 6am
Village Howard	Under 17	10pm to 6am
Ho-Chunk Nation	Under 16	10pm to 5am
	16-17	12am to 5am
Lac Du Flambeau Band of Lake Superior Chippewas	Under 18	9pm to daylight during central standard time
		10pm to daylight during daylight savings time
Hoop Valley Tribe	Under 18	10pm to 5am
Prairie Island Indian Community	Under 16	10pm to 6am
	Over 16 and under 18	11pm to 6am
Ely Shoshone Tribe	Under 18	10pm to 5am Sunday - Thursday
		12am to 5am Friday - Saturday

*\*The State of Wisconsin, Outagamie County and Town of Oneida do not have curfew laws in place.*

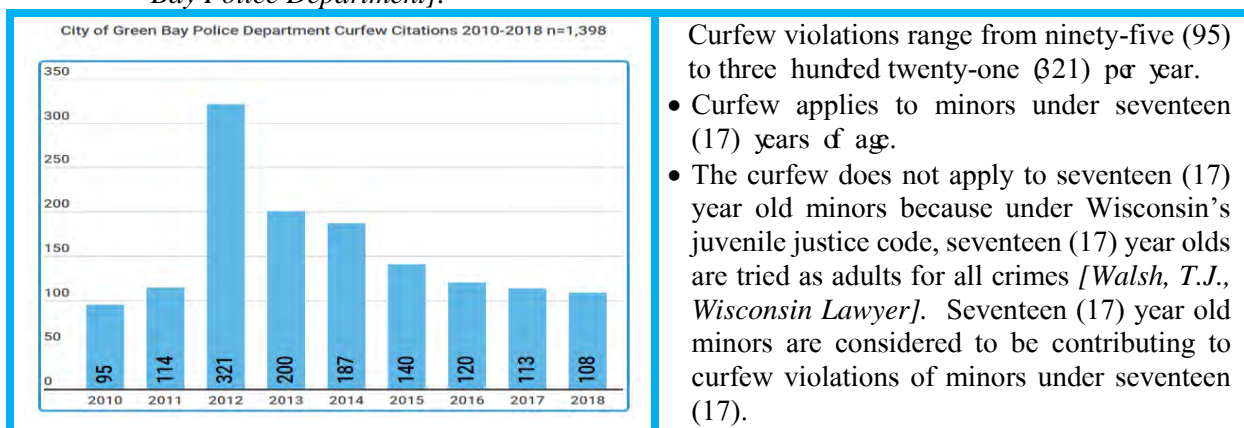
**D. Data.** A memorandum from the TAP Laws and Policy Subcommittee suggested that data related to police interactions with youth ages seventeen (17) years and younger be requested from the Oneida Police Department and other neighboring jurisdictions to provide a background for juvenile activity in the area.

1. The Oneida Police Department does not currently enforce any curfew laws. The following is a breakdown of juvenile related calls received by the Oneida Police Department in 2018 [Email communication 05/06/2019, Eric Boulanger, Chief of Police, Oneida Police Department].





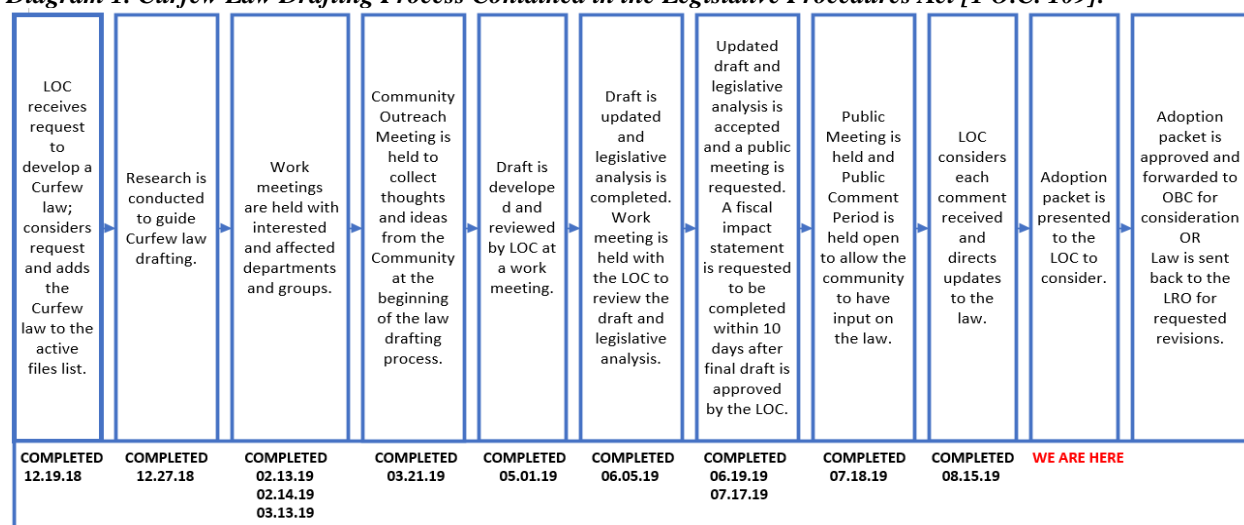
2. The City of Green Bay has issued the following citations related to curfew violations from 2010 to 2018 [Email communication 05/03/2019, Michelle Belongie, Crime Analyst, Green Bay Police Department].



## SECTION 4. PROCESS

- A. Below is a diagram of the legislative process contained in the Legislative Procedures Act [1 O.C. 109] with some additional useful information. A public meeting has been held and the LOC has considered each comment collected and made changes to the draft law based on public comment. The LOC is currently at the stage of reviewing the final law for consideration of adoption by the OBC.

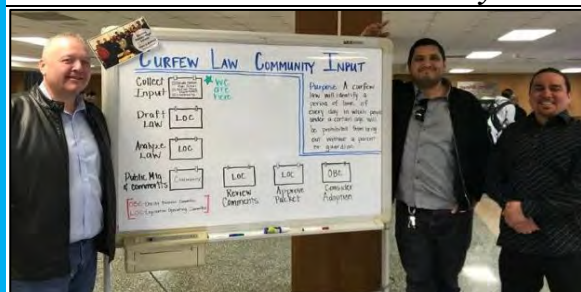
Diagram 1. Curfew Law Drafting Process Contained in the Legislative Procedures Act [1 O.C. 109].



- C. The following meetings, work meetings, and outreach events took place at the time of the development of this legislative analysis:

- December 19, 2018: A request for a Curfew law was received from the TAP Laws and Policy Subcommittee, considered by the LOC and the Curfew law was added to the active files list.
- February 13, 2019: A work meeting was held with the LRO staff and the OBC.
- February 14, 2019: A work meeting was held with the LOC and the LRO staff.
- March 13, 2019: A work meeting was held with the LRO staff and the Oneida Nation High School Clan Council.
- March 21, 2019: A Community Outreach Meeting was held. Although no one attended this meeting; the opportunity was presented to the community to gather input on the development of the Law.
- May 1, 2019: A work meeting was held with the LOC and the LRO.
- May 15, 2019: A work meeting was held with the LOC and the LRO.
- June 5, 2019: The draft and legislative analysis presented to the LOC for further consideration.
- June 19, 2019: LOC approved the Public Meeting Packet and forwarded the Curfew law to a public meeting to be held on July 18, 2019.
- July 18, 2019: Public meeting held.
- August 18, 2019: A work meeting was held with the LOC and the LRO to consider each comment made and direct changes to the draft law.
- September 4, 2019: The LOC accepted the public comment review memorandum, draft and legislative analysis. LOC requested a fiscal impact statement from the Finance Committee.
- September 13 and 18, 2019: The LOC held a work meetings to discuss the Curfew Law resolution and Curfew Law Penalty and Fine Schedule resolution.

### Community Outreach Event March 21, 2019



March 21, 2019  
The LOC hosted a community pot luck to discuss a Curfew Law. While the community expressed interest in the event, no one attended the meeting. This highlights how collecting public comment is difficult.

**LEGISLATIVE OPERATING COMMITTEE OUTREACH EVENT**  
COMMUNITY POT LUCK  
WWW.ONEIDA-NSN.GOV/GOVERNMENT  
Please Bring a Dish to Pass  
Thursday, March 21, 2019, 5:00-7:30pm  
Norbert Hill Center Cafeteria  
7210 Seminary Rd., Oneida, Wisconsin

#### PROPOSED CURFEW LAW

This will be an exploratory meeting that will gather input from the community regarding issues and concerns related to the implementation of a curfew for minors seventeen (17) years old or younger, and the consequences that would result from violating the curfew.



#### OUTREACH

The Legislative Operating Committee (LOC) holds community outreach events in an effort to collect thoughts and ideas from the community at the beginning of the legislative process. This provides insight and ideas early and is a more efficient way of getting work done. Outreach events also provide the community with additional opportunities to share their thoughts with the LOC. When the LOC feels that the community may have a particular interest in proposed legislation these events are held in addition to the formal public meetings required by the Legislative Procedures Act.



FOR MORE INFORMATION:  
www.oneida-nsn.gov/Register/Public Meetings or contact Oneida Nation Legislative Reference Office located in the Norbert Hill Center, PO Box 365, Oneida, Wisconsin 54155  
Email: LOC@oneidanation.org Phone: 920-869-4376

## SECTION 5. CONTENTS OF THE LEGISLATION

### A. Purpose and Policy [3 O.C. 308.1]

- The purpose of the Law is to restrict access to public spaces by minors not accompanied by certain adults during established night and early morning hours, while imposing obligations and responsibilities upon adults to protect the health, safety and welfare of youth, adults and public property of the Nation. It is the policy of the Nation to support substance abuse prevention initiatives to minimize the opportunities of for minors to encounter harmful situations.

### B. Jurisdiction [3 O.C. 308.4]

- Jurisdiction of the Court.** The Oneida Family Court has jurisdiction over any action brought under this law [3 O.C. 308.4-1].
- Personal Jurisdiction.** This Law applies to: 1) all members of the Nation and those eligible for enrollment with the Nation, as well as members of other federally recognized tribes, 2)

individuals and their households who lease, occupy or otherwise use fee land or trust land owned by the Nation or by individual members of the Nation; through consensual contract or other agreement, 3) individuals who have consented to the jurisdiction of the Nation through other consensual relationships with the Nation or Nation's entities, corporations or members of the Nation through contracts or agreements; and 4) any other facts that manifest consent to jurisdiction consistent with federal law and policy including failure to object to the exercise of personal jurisdiction in a timely manner.

- i. In accordance with section 308.4-1(b), the Law applies to individuals and their households who lease, rent, or occupy any home involved in a housing program with the Nation's Comprehensive Housing Division, including children who are not enrolled or eligible for enrollment with the Nation or any other federally recognized tribe. The Landlord-Tenant law requires all tenants of the Nation's housing programs to abide by the Nation's laws [6 O.C. 611.6-3(b)(3)].

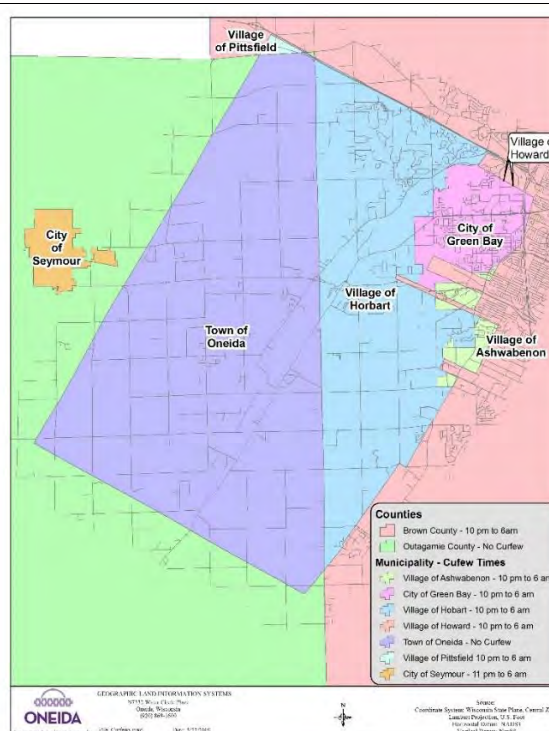
- *Territorial Jurisdiction.* This Law applies to the Reservation to all land owned by the Nation and individual trust and/or fee land of a member of the Nation.

### C. Curfew [3 O.C. 308.5]

- The curfew is established from 10:00 p.m. to 6:00 a.m. for ages sixteen (16) years old or younger in any public space either on foot or in a vehicle driven or parked within the boundaries of the Reservation. No adult shall knowingly permit or fail to take action to prevent a minor to be in a public space after curfew unless an exemption is met [3 O.C. 308.5-3].
  - i. Exemptions include common reasons minors would be out at night without the presence of their parent, guardian, or legal custodian such as traveling home from work, participating in cultural and sports activities chaperoned by an adult, and traveling home from the movies; as well as a discretionary measure for OPD to determine if the law has been violated or not.
- The map below demonstrates the curfew in the proposed Law is consistent with the curfew established by municipalities surrounding the Reservation. Members of the Oneida Nation High School Clan Council indicated during a work meeting that Oneida's curfew should be similar to area curfew laws for consistency purposes.

This is a map of the Reservation and surrounding jurisdictions with any curfew currently in place. The curfew timeframe of 10 p.m. to 6 a.m. in the proposed law is consistent with most jurisdictions near the Reservation.

- The State of Wisconsin, Outagamie County, and the Town of Oneida all lack curfew laws. This means nearly half the Reservation does not currently have any curfew law in place.
- OPD does not currently enforce any curfew laws of area jurisdictions [Verbal Communication, February 13, 2019].



**D. Enforcement of Curfew Violations [3 O.C. 308.6]**

- Oneida Police Department (OPD) officers may stop any minor suspected of violating this law. OPD must ask, and the minor must provide, their name, age and reason for violating curfew. If an OPD officer believes the Curfew law has been violated; the officer may take the minor into custody and contact their parents, guardian or legal custodian to return the minor to their care and custody. If the OPD officer cannot locate a parent, guardian or legal custodian, they may find and release the child to an adult relative or other responsible adult willing and able to accept the care and custody of the minor.
  - i. The first time a minor is taken into custody results in a warning by OPD to both the minor and the minor's parent, guardian or legal custodian advising them of the law and informing them that any additional violations of the curfew law may result in a fine, community service, mandatory parenting program, mandatory family counseling, or other penalties at the discretion of the Family Court [3 O.C. 308.6-2].
  - ii. Subsequent curfew violations that result in a minor being taken into custody by OPD may result in the issuance of a citation which will require the attendance of the minor and their parent, guardian, or legal custodian at a mandatory pre-hearing with the Family Court. Additionally; subsequent violations of the Curfew law may include a fine, mandatory or voluntary community service, mandatory parenting program, mandatory family counseling, or any other penalty at the discretion of the Family Court, as well as any conditional orders made by the Family Court [3 O.C. 308.6-3].
  - iii. The Family Court may issue conditional orders at the mandatory pre-hearing until the matter is resolved [3 O.C. 308.6-3(a)].
  - iv. The Family Court may stay the enforcement any penalty issued as a result of a curfew violation at its discretion [3 O.C. 308.7-2].

**E. Penalties of Curfew Violations [3 O.C. 308.7]**

- The following penalties may be issued to those that violate the law; focusing on specific programs that aim to improve family dynamics and parenting; at the discretion of Family Court:
  - i. Fines (community service may be a substitute for all or part of fines at the discretion of the Family Court);
    1. The Law contains detailed procedures related to fines issued under this Law [3 O.C. 308.7-1(a)]. More detail is provided in Section 7 of this analysis.
  - ii. Community service;
    1. The Law contains detailed procedures related to community service requirements [3 O.C. 308.7-1(b)]. More detail is provided in Section 7 of this analysis.
  - iii. Family counseling;
  - iv. Parenting programs; and/or
  - v. Any other penalty deemed appropriate by the Family Court.
- The Family Court may seek to collect unpaid fines through the Nation's garnishment and/or per capita attachment process or any other collection process available to the Family Court [3 O.C. 308.7-1(a)(3)].

**SECTION 6. EFFECT ON EXISTING LEGISLATION****A. References to Other Laws.** The following laws of the Nation are referenced in this law and are required to be followed:

- **Family Court [8 O.C. 806].** The Family Court law delegates authority to the Family Court over all matters pertaining to the family, children and elders, except for probate matters [8 O.C. 806.4-1]. The Family Court has been delegated authority to make all orders and judgments as



- may be necessary to carry into effect the powers and jurisdiction of the Court [8 O.C. 806.8-1(c)]. The Family Court law governs the administration of law, justice, judicial procedures and practices by the Oneida Family Court as it pertains to Oneida families and/or children to create a knowledgeable, fair, and impartial forum for resolution of all family law matters that come before it. The Family Court is delegated authority under this law to hear contested citations, make conditional orders at the pre-hearing and issue penalties [3 O.C. 308.6-4(b) and 308.7-1]. All orders of the Family Court are appealable to the Court of Appeals [8 O.C. 806.6].
- **Per Capita** [1 O.C. 123]. The Family Court is considered an Oneida entity [1 O.C. 123.3-1(n)] under the Per Capita law and has the authority to pursue attachments of any money owed and any nonpayment of any citations issued to parents, guardians or legal custodians under this law [3 O.C. 308.7-1(a)(3)]. An attachment means the citation is paid for from the debtors per capita payment using the process contained in the Per Capita law [1 O.C. 123.4-9(a)(2)].
  - **Garnishment** [2 O.C. 204]. The Family Court is considered an Oneida entity [2 O.C. 204.3-1(p)] under the Garnishment law as a branch of the Judiciary and has the authority to initiate a garnishment of employee wages to pursue payment from parents, guardians or legal custodians who have failed to make the required payments for citations issued to them in accordance with this law [3 O.C. 308.7-1(a)(3)]. Garnishment means the legal process in which the earnings of the debtor are required to be withheld by the Nation for a payment of a debt [2 O.C. 204.3-1(j)] using the process outlined in the Garnishment law.

**B. Other Laws of the Nation that Interact with this Legislation.** The following laws of the Nation interact with this law and are required to be followed:

- **Family Court Rules** [8 O.C. 807]. The Family Court Rules supplement the Oneida Judiciary Rules of Civil Procedure and govern appearances in Court, provides rules of decorum while in Court, governs default judgments, as well as other aspects of the Family Court proceedings. The Family Court Rules will govern behavior during curfew citation hearings.
- **Oneida Judiciary Rules of Civil Procedure** [8 O.C. 803]. The Oneida Judiciary Rules of Civil Procedure create a consistent set of rules that govern the process of civil actions of the Family Court and the Judiciary. The Oneida Judiciary Rules of Civil Procedures will govern hearings for all curfew citation hearings.
- **Oneida Judiciary Rules of Evidence** [8 O.C. 804]. The Oneida Judiciary Rules of Evidence apply to proceedings held in the Family Court, including curfew citation proceedings, and govern the rules related to evidence presented to the Court.
- **Rules of Appellate Procedure** [8 O.C. 805]. The Rules of Appellate Procedure govern the process for anyone who wishes to contest the determination of a lower Court's decision to the Nation's Court of Appeals and will govern appeals the Family Court's decisions. All orders of the Family Court are appealable to the Court of Appeals [8 O.C. 806.6].
- **Landlord-Tenant** [6 O.C. 611]. This law applies to all individuals (tenants) granted the right to use or occupy a premises pursuant to a rental agreement with the Oneida Nation. All tenants are required to follow all laws of the Nation [6 O.C. 611.6-3(b)(3)], including the Curfew law; even if the tenant is not enrolled or eligible for enrollment with the Oneida Nation or is not enrolled with another federally recognized tribe [3 O.C. 308.4-1].

## SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Law will be enforced by OPD utilizing existing resources.
- B. Minors and parents, guardians and/or legal custodians who are issued citations under this law may contest the citation at the mandatory citation pre-hearing at the Family Court [3 O.C. 308.6-3(c)].
- C. Implementation of this Law is as follows:
- OPD is responsible for implementing and enforcing this law and issuing citations which may include fines and other penalties to both the minor and/or their parents, guardians or legal custodians [3 O.C. 308.6-3].

- The Family Court may, at its discretion, order penalties under this law to both minors and adults [3 O.C. 308.7]. Penalties include fines, community service, parenting programs, family counseling and any other penalties deemed appropriate by the Family Court. The Family Court may stay the enforcement of a penalty at its discretion [3 O.C. 308.7-2].
  - i. The Family Court may allow community service to be substituted for fines [3 O.C. 308.7-1(a)(5)].
  - ii. Community service may be ordered by the Court in lieu or in addition to a fine [3 O.C. 308.7-1(b)]. The individual will be responsible for finding his or her community service and getting approval from the Court [3 O.C. 308.7-1(b)(1)]. The Family Court will provide a written statement of the requirements of the community service assignment including the number of hours, the timeframe for completion, how hours will be reported and any other relevant information and the requirement that community service is monitored [3 O.C. 308.7-1(b)(2) and (3)].
  - iii. Family counseling or parenting programs may be required by the Family Court [3 O.C. 308.7-1(c)].
    - 1. Oneida Family Support Services Department offers family counseling, parenting classes and other programs. These programs may be an option for violators of this Law to fulfill the penalties issued by the Family Court.
      - a. Clientele of services offered by this Department are typically determined by enrollment or eligibility for enrollment with the Nation. Consideration is given to significant others or family members who are not eligible for enrollment [<https://oneida-nsn.gov/resources/child-family-services/>].
    - 2. Those who violate the Law may seek other services offered outside of the Oneida community to fulfill the penalties issued by the Family Court.
- The OBC is responsible for adopting a fine schedule by resolution that determines specific fine amounts for violations of this law [3 O.C. 308.7-1(a)].

## SECTION 8. OTHER CONSIDERATIONS

**A. Citations law.** A citation for a violation of this law will be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 308.6-3(b)].

- There are currently no laws of the Nation governing citations. There is a Citations law on the LOC's active files list that is currently being developed at the same time as this Curfew law.

**B. Fiscal Impact.** Please refer to the fiscal impact statement for any fiscal impacts.

- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1].
- A fiscal impact statement shall be submitted by any agencies as directed by the Legislative Operating Committee and may be prepared by any agency who may receive funding if the legislation is enacted, any agency who may administer a program if the legislation is enacted, any agency who may have financial information concerning the subject matter of the legislation, or by the Finance Office, upon request of the Legislative Operating Committee [1 O.C. 109.6-1(a) and (b)].

### Research Citations

Grossman, E.R and Miller, NA. (2015). A Systematic Review of the Impact of Juvenile Curfew Laws on Public Health and Justice Outcomes. *Am J Prev Med.* 49(6): 945-951.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4656116/>

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**Title 3. Health and Public Safety - Chapter 308****Tayethinatshawk·late? Kayanlksla?***We'll put our arms across to stop them***CURFEW**

308.1. Purpose and Policy  
308.2. Adoption, Amendment, Repeal  
308.3. Definitions  
308.4. Jurisdiction

308.5. Curfew  
308.6. Enforcement of Curfew Violations  
308.7. Penalties of Curfew Violations

**308.1. Purpose and Policy**

308.1-1. *Purpose.* The purpose of this law is to protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor.

308.1-2. *Policy.* It is the policy of the Nation to support all drug use prevention initiatives of the Nation by protecting the health, safety, and welfare of persons through the establishment of a curfew for minors in public spaces within the Reservation during certain hours in an effort to minimize the opportunity for harm to come to minors during those hours.

**308.2. Adoption, Amendment, Repeal**

308.2-1. This law was adopted by the Oneida Business Committee by resolution BC-\_\_-\_\_-\_\_-\_\_.

308.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

308.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

308.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

308.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**308.3. Definitions**

308.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Court of Appeals" means the branch of the Nation's Judiciary delegated the authority of final appeal within the Nation's Judiciary, as authorized by Oneida General Tribal Council resolution GTC-03-19-17-A .

(b) "Family Court" means the branch of the Nation's Judiciary delegated the authority to administer the judicial authorities and responsibilities of the Nation related to the family and/or children, as authorized by Oneida General Tribal Council resolution GTC-03-19-17-A.

(c) "Guardian" means the person, department, and/or agency appointed the duty and authority of guardianship of a child by a Court for the purpose of managing and caring for the child. A guardian has the right to make major decisions affecting a child including education, religious and cultural upbringing, the right to consent to marriage, to enlistment



in the armed forces, to major surgery and medical treatment and to adoption, or make recommendations as to adoption.

(d) “Legal custodian” means any person, department, and/or agency, other than a parent or guardian, to whom legal custody of a child has been granted by Court order and has the rights and responsibilities for the following:

(1) To have physical custody of the child as determined by the Court, if physical custody is not with the person having legal custody;

(2) To protect, educate and discipline the child so long as it is in the child’s best interest; and

(3) To provide the child with adequate food, shelter, education, ordinary medical care and other basic needs, according to court order. In an emergency situation, a custodian shall have the authority to consent to surgery as well as any other emergency medical care needs.

(e) “Member of the Nation” means an individual enrolled in the Oneida Nation.

(f) “Minor” means a person age sixteen (16) years old or younger.

(g) “Nation” means the Oneida Nation.

(h) “Parent” means the biological or adoptive parent of a child.

(j) “Public space” means any public streets, highways, roads, alleys, parks, vacant lots, or any public lands.

(j) “Relative” means any person connected with a child by blood, marriage or adoption.

(k) “Reservation” means all the property within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

#### **308.4. Jurisdiction**

304.4-1. *Jurisdiction of the Court.* The Family Court has jurisdiction over any action brought under this law.

308.4-2. *Personal Jurisdiction.* This law applies to:

(a) All members of the Nation, individuals eligible for enrollment in the Nation, and members of other federally-recognized tribes.

(b) Individuals leasing, occupying or otherwise using fee land owned by the Nation or by individual members of the Nation; and/or lands held in trust on behalf of the Nation or individual members of the Nation.

(c) Individuals who have consented to the jurisdiction of the Nation or as otherwise consistent with federal law. An individual shall be considered to have consented to the jurisdiction of the Nation:

(1) By entering into a consensual relationship with the Nation, or with the Nation’s entities, corporations, or members of the Nation, including but not limited to contracts or other agreements; or

(2) By other facts which manifest an intent to consent to the authority of the Nation, including failure to raise an objection to the exercise of personal jurisdiction in a timely manner.

308.4-3. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by the Nation and individual trust and/or fee land of a member of the Nation.

**308.5. Curfew**

308.5-1. *Curfew Established.* No minor shall be on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation, unless the minor is accompanied by a parent, guardian, or legal custodian.

308.5-2. *Parental Responsibility.* No parent, guardian, or legal custodian shall knowingly permit or fail to take action to prevent the minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation.

308.5-3. *Exemptions to Curfew.* A minor shall not be in violation of the curfew, if at the time of the alleged violation the minor was:

- (a) in the performance of a duty directed by such parent, guardian, or legal custodian;
- (b) engaged in employment or an employment related activity, or traveling to or returning home from employment;
- (c) engaged in interstate travel;
- (d) attending an educational, cultural, religious, or recreational activity that was supervised by adults, or traveling to or returning home from such activity;
- (e) on the sidewalk in front of his or her home or an adjacent home;
- (f) going to, attending, or returning home from a movie theatre;
- (g) engaged in hunting, fishing, or trapping in accordance with the laws, policies, and rules of the Nation;
- (h) exercising rights protected by the Nation's Constitution and the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly;
- (i) involved in an emergency situation; and/or
- (j) engaged in any other activity as deemed appropriate by the Oneida Police Department officer.

**308.6. Enforcement of Curfew Violations**

308.6-1. *Enforcement Procedure.* A suspected violation of curfew shall be enforced by the Oneida Police Department in the following ways:

- (a) A minor who is suspected of violating curfew may be stopped by an Oneida Police Department officer. No person shall assault, obstruct or flee from any Oneida Police Department officer enforcing or attempting to enforce the provisions of this law.
- (b) The Oneida Police Department officer shall ask the minor's name, age, and reason for violating curfew. The minor shall provide the Oneida Police Department officer identification if available. No person shall falsely represent his or her name or age to an Oneida Police Department officer.
- (c) If the Oneida Police Department officer reasonably believes based on the totality of the circumstances that a violation of curfew has occurred and not one of the exemptions in section 308.5-3 apply, the Oneida Police Department officer may take custody of the minor for the purpose of returning such minor to the care and custody of a parent, guardian, or legal custodian.
- (d) Once the Oneida Police Department officer has taken the minor into his or her custody, the minor shall provide the Oneida Police Department officer with contact information for his or her parent, guardian, or legal custodian. The Oneida Police Department officer shall contact the minor's parent, guardian, or legal custodian to come and pick up the minor and take the minor into his or her care and custody. If the minor's parent, guardian, or legal

custodian is unable to pick the minor up, then the Oneida Police Department officer may bring the minor home to release the minor to the custody and care of the minor's parent, guardian, or legal custodian.

(e) If the Oneida Police Department officer is unable to contact the minor's parent, guardian, or legal custodian after reasonable efforts are made, the Oneida Police Department officer shall attempt to locate an adult relative or other responsible adult willing and able to accept the care and custody of the minor, and may release the minor into the care and custody of such person.

308.6-2. *Warning.* The first time a minor is held in custody by an Oneida Police Department officer for a curfew violation the Oneida Police Department officer shall provide the minor and the minor's parent, guardian, or legal custodian a warning and advise the minor and parent, guardian, or legal custodian of the provisions of this law and that any subsequent curfew violations may result in the issuance of a citation and the imposition of a penalty.

308.6-3. *Issuance of a Citation.* Any subsequent time a minor is held in custody by an Oneida Police Department officer for a curfew violation the Oneida Police Department officer may issue a citation to the minor and the minor's parent, guardian, or legal custodian.

(a) A citation for a violation of this law and/or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Family Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

(c) All citations for violations of this law require a mandatory appearance at the citation pre-hearing by the minor and his or her parent, guardian, or legal custodian.

### 308.7. Penalties of Curfew Violations

308.7-1. Upon a finding by the Family Court that a violation of this law has occurred, the minor and/or the minor's parent, guardian, or legal custodian may be subject to the following penalties:

(a) *Fines.* An individual may be ordered to pay a fine as a result of a violation of this law. The Oneida Business Committee shall hereby be delegated the authority to adopt through resolution a fine schedule which sets forth specific fine amounts for violations of this law.

(1) All fines shall be paid to the Judiciary.

(2) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later.

(A) The ninety (90) day deadline for payment of fines may be extended if an alternative payment plan is approved by the Family Court.

(3) If an individual does not pay his or her fine the Family Court may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process or any other collection process available to the Family Court.

(4) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

(b) *Community service.* An individual may be ordered to perform community service. Community service can be used in lieu of, or in addition to, a fine.

(1) All community service assignments shall be approved by the Family Court. The Family Court shall give preference to culturally relevant community service assignments and/or community service assignments that focus on the betterment of the individual's community.

(2) The Family Court shall provide the individual a written statement of the terms of the community service order, and a statement that the community service order is monitored.

(3) The Family Court's community service order shall specify:

(A) how many hours of community service the individual is required to complete;

(B) the time frame in which the hours shall be completed;

(C) how the individual shall obtain approval for his or her community service assignment;

(D) how the individual shall report his or her hours; and

(E) any other information the Family Court determines is relevant.

(c) *Family counseling and/or parenting programs.* An individual may be ordered to participate in a family counseling and/or a parenting program.

(d) Any other penalty as deemed appropriate by the Family Court.

308.7-2. *Staying a Curfew Penalty.* The Family Court may stay the enforcement of a penalty issued as a result of a curfew violation for a period of time to be determined by the Family Court. If the individual maintains compliance with the law during the time period in which the penalty is stayed, then the Family Court may dismiss the citation. If the individual commits another violation of the law during the time period in which the penalty is stayed, then the penalty shall go into effect.

*End.*

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Adopted – BC-\_\_-\_\_-\_\_-\_\_

# FINANCE ADMINISTRATION

## Fiscal Impact Statement



## MEMORANDUM

TO: Larry Barton, Chief Financial Officer  
RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

FROM: Rae Skenandore, Financial Management Analyst

DATE: September 17, 2019

RE: **Fiscal Impact of the Curfew Law**

### I. Estimated Fiscal Impact Summary

<b>Law:</b> Curfew Law		Draft 3
<b>Implementing Agency</b>	Oneida Police Department Oneida Judiciary Social Services	
<b>Estimated time to comply</b>	10 days, in compliance with the Legislative Procedures Act	
<b>Estimated Impact</b>	<b>Current Fiscal Year</b>	<b>10 Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	<b>Indeterminate</b>	<b>Indeterminate</b>

### II. Background

This is a new Law that the Tribal Action Plan (TAP) subcommittee recommended. The Law and the Legislative Reference Office describe the legislation as the following:

A. The purpose is to regulate the activities of minors on the Reservation during certain hours.

B. The Law applies to Oneida Tribal Members, members of other federally recognized Tribes, on Fee or Trust Lands owned by the Nation and to any other individuals consenting to the jurisdiction of the Nation.

C. It is prohibited for minors (Individuals 16 and under) to be on any public space between 10:00 p.m. and 6:00 a.m. unless the following condition apply and the minor was:

1. In the performance of a duty directed by such parent, guardian, or legal custodian;

2. Engaged in employment or an employment related activity, or traveling to or returning home from employment;
  3. Engaged in interstate travel;
  4. Attending an educational, cultural, religious, or recreational activity that was supervised by adults, or traveling to or returning home from such activity;
  5. On the sidewalk in front of his or her home or an adjacent home;
  6. Going to, attending, or returning home from a movie theatre;
  7. Engaged in hunting, fishing, or trapping in accordance with the Laws, policies, and rules of the Nation;
  8. Exercising rights protected by the Nation's Constitution and the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly;
  9. Involved in an emergency situation; and/or
  10. Engaged in any other activity as deemed appropriate by the Oneida Police Department officer.
- D. The Oneida Police Department (OPD) is responsible for enforcing the Law and may take the minor into custody to release them to a legally responsible adult.
1. The first offense will result in a warning.
  2. Subsequent violations may result in the issuance of a citation.
    - a) Citations may include fines or penalties or other conditional orders of the Family Court.
      - (1) The Law states that citations shall be processed in accordance with Laws or policies governing citations.
    - b) Citations require a mandatory per hearing.
- E. The Family Court may:
1. Impose a fine to be paid in 90 days to the Judiciary.
    - a) Unpaid fines may result in garnishment and/or attachment of per capita or be subject to any other collection process available to the Family Court.
  2. Order Community Service monitored by the Family Court.
  3. Order Family counseling and/or parenting programs.
  4. Order any other penalty deemed appropriate by the Family Court.
  5. Stay a penalty.

### III. Methodology and Assumptions

A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

### **III. Executive Summary of Findings**

- No fine/fee schedule was provided to include in the analysis.
- It is unclear what fines are to be used for.
- The Law states that citations shall be processed in accordance with Laws or policies governing citations, however, there are no Laws or policies currently in place governing citations.
- There is a 90-day timeline listed for the payment of fines, however, there is no timeline listed for a pre-hearing or hearing date.
- It appears that both OPD (citations) and the court can issue fines, but it is unclear what the parameters are for those fines. According to the Law, the court can waive fines. It is unclear if they can waive both the citation fine and any court imposed fine. There is also the potential that a fine paid from a citation would need to be reimbursed by the time of a hearing or pre-hearing based on these awkward timelines or lack thereof.
- According to the Law, “the Oneida Police Department officer may issue a citation to the minor and the minor’s parent, guardian, or legal custodian”. Also, according to the Law, “Upon a finding by the Family Court that a violation of this Law has occurred, the minor and/or the minor’s parent, guardian, or legal custodian may be subject to the following penalties: (a) Fines”. The Law goes on to state that “If an individual does not pay his or her fine the Family Court may seek to collect the money owed through the Nation’s garnishment and/or per capita attachment. However, according to the Trust Enrollment Director, Minor’s Trust assets cannot be attached for any reason. The Per Capita Law 123.4-9 Attachments. “All per capita payments, except distributions to or from a trust account for a beneficiary, may be subject to attachment prior to distribution in accordance with this section.” The Minor’s Trust is an example of a trust account that doesn’t allow attachments on payments into or distributions out of the account. The analysis specifically states that parents, guardians or legal custodians can be garnished or their Per Capita attached. The Law is not as clear on this point that it does not apply to any fines of the minor.
- The Family Court has the ability to order Community Service, however there are no programs in place within the Nation that provide and/or monitor community service.



Therefore, this is an additional burden on the Court. Also, in the absence of any specific program for community service, what is acceptable for this order is ambiguous.

- It is unclear how the costs of ordered counseling or other parental programs will be accounted for. It is unclear if this is going to be an additional cost to the parents or if the Judiciary will be charged by Social Services.
- According to the analysis, OPD received a total of eighty-eight (88) juvenile related calls in 2018. Of that, only sixteen (16) of those calls occurred between the hours of 10 p.m. and 6 a.m. Given this, it is still not possible to calculate the potential volume of the impact of implementing this Law on the demands of the Family Court docket or the other Social Service programs.
- According to the Governmental Services Division (GSD), Parenting may be able to handle the referrals from the Family Court, but it really depends on the volume. Their priority for Parenting at this time is for families who are involved with Child Welfare. They are also concerned with the curriculum of their parenting programs and meeting the requirements of a court order. This fact alone would require GSD to meet with the Judiciary to determine their requirements. GSD, or more specifically Family Services, was not familiar with impacts to their area and believes that is a topic that still needs to be explored.
- According to the Oneida Police Department and the Oneida Judiciary the Law can be implemented within the 10-day time frame and any associated costs will be born within their existing budgets. However, given the other unknown variables, the Fiscal Impact is indeterminate.

### **III. Financial Impact**

Indeterminate.

### **IV. Recommendation**

Finance Department does not make a recommendation in regard to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.





**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



TO: Lawrence E. Barton, Chief Financial Officer  
 Ralinda R. Nnham-Lamberies, Assistant Chief Financial Officer  
 Rae M. Skenandore, Financial Management Analyst  
 FROM: Legislative Operating Committee  
 DATE: October 2, 2019  
 RE: Response to the Curfew Law Fiscal Impact Statement

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On September 18, 2019, the Legislative Operating Committee received the fiscal impact statement for the proposed Curfew law developed by the Finance Department. The Legislative Operating Committee is providing this memorandum to express dissatisfaction with the Curfew law fiscal impact statement.

The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and can include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement identifies that the Oneida Police Department and the Oneida Judiciary provided that the Law can be implemented within the ten (10) day time frame, and that any associated costs will be born within their existing budgets. Although this information appears to answer what is required of a fiscal impact statement, the Finance Department came to an indeterminate conclusion for the total estimated fiscal impact. The fiscal impact provides that the indeterminate conclusion is based on “the other unknown variables.” Although the fiscal impact statement states other variables prevent the Finance Department from coming to a determination, the fiscal impact statement lacks any discussion or explanation as to what variables prevent the fiscal determination.

Instead, the fiscal impact statement provides an “Executive Summary of Findings.” The Executive Summary of Findings is composed of various comments and questions, most of which are outside the scope of what a fiscal impact statement should address. The comments and questions provided in the Executive Summary are inappropriate for inclusion in a fiscal impact statement and would be more appropriately submitted during the public comment period for proposed legislation where members of the community are encouraged to share personal opinions and questions on proposed legislation.

The Legislative Operating Committee is responding to the Executive Summary of Findings in the fiscal impact statement in an effort to ensure that there is no confusion or misleading information

left unaddressed before the proposed law moves forward to the Oneida Business Committee for adoption.

**1. No fine/fee schedule was provided to include in the analysis.**

This comment expresses that no fine or fee schedule was provided to the Finance Department for inclusion in the fiscal impact statement. The Curfew law clearly provides that the Oneida Business Committee shall be delegated the authority to adopt through resolution a fine schedule which sets forth specific fine amounts for a violation of this law. [3 O.C. 308.7-1(a)].

Although the Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation, a fiscal impact statement is not required for resolutions.

Therefore, it was not required to provide the Finance Department a copy of the penalty and fine schedule as the fiscal impact statement should be focused on the fiscal impact of the provisions included in the proposed law itself, and not any accompanying resolutions.

**2. It is unclear what fines are to be used for.**

This comment expresses concern that the Law is unclear as to what the curfew fines are to be used for. The only thing unclear about this statement is how the specific use of fines collected for violations of a law is relevant to a fiscal impact statement.

Typically, fines collected as a result of a citation or fine are contributed back to the Nation's General Fund.

In accordance with section 308.7-1(a) the Oneida Business Committee will be asked to consider the adoption of a resolution which contains a fine schedule for curfew violations. The resolution that the Legislative Operating Committee is proposing to the Oneida Business Committee titled, "Curfew Law Penalty and Fine Schedule" contains a provision which states that any money received from fines collected for violations of the Curfew law shall be contributed to drug use prevention initiatives such as the Tribal Action Plan. Adoption of the fine schedule resolution and its contents is at the discretion of the Oneida Business Committee.

**3. The Law states that citations shall be processed in accordance with Laws or policies governing citations, however, there are no Laws or policies currently in place governing citations.**

It is unclear how this comment regarding current laws and policies of the Nation related to governing citations relates to the development and determinations of a fiscal impact statement.

This statement that "A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations" is a general statement providing that any and all current or future laws of the Nation that provide procedures relating to citations will be followed. [3 O.C. 308.6-3(b)]. This statement informs the reader that the Curfew law will not provide the citations process, and instead this information will be provided elsewhere.

The Legislative Operating Committee is currently developing a Citations law which will provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. In the absence of a Citations law, the Oneida Judiciary and the Oneida Police Department will use existing laws, policies, and procedures such as the Oneida Judiciary Rules of Civil Procedure.

**4. There is a 90-day timeline listed for the payment of fines, however, there is no timeline listed for a pre-hearing or hearing date.**

A timeline for a pre-hearing or hearing date is irrelevant to the fiscal impact statement. Without any legislative requirements for the scheduling of pre-hearings or hearings, the scheduling of these citation hearings will be at the discretion of the Oneida Judiciary.

Additionally, the Legislative Operating Committee is currently developing a Citations law which will set forth the process, procedures, and timelines that will be used for handling the Nation's citations.

**5. It appears that both OPD (citations) and the court can issue fines, but it is unclear what the parameters are for those fines. According to the Law, the court can waive fines. It is unclear if they can waive both the citation fine and any court imposed fine. There is also the potential that a fine paid from a citation would need to be reimbursed by the time of a hearing or pre-hearing based on these awkward timelines or lack thereof.**

Not only is the relevancy of this comment to the scope of the fiscal impact statement unclear, but the comment demonstrates a general lack of understanding of how citations work. The Law delegates authority to the Oneida Police Department to issue citations to a minor who violates the curfew and the minor's parent, guardian, or legal custodian. [3 O.C. 308.6-3]. A citation is a legal document that serves as a notice or summons to appear in a court in response to a charge against an individual of a violation of law. Although the citation may contain information such as the fine or penalty that may be imposed against the defendant for a violation of a law, it is not the Oneida Police Department that is imposing a penalty against an individual. [3 O.C. 308.6-3(a)]. The Law clearly states that it is the Oneida Family Court that may impose a penalty against the minor and/or the minor's parent, guardian, or legal custodian upon a finding that a violation of this Law has occurred. [3 O.C. 308.7-1]. The Family Court is then delegated the authority to stay the enforcement of a penalty issued as a result of a curfew violation for a period of time to be determined by the Family Court. [3 O.C. 308.7-2]. This means that if the individual maintains compliance with the law during the time period in which the penalty is stayed, the Family Court may dismiss the citation. [3 O.C. 308.7-2].

The additional questions in this comment regarding what fines the Oneida Family Court may waive, or the reimbursement of fines based on "these awkward timelines or lack thereof" are irrelevant as they are misguided and unrelated to how the Family Court will handle citations.

6. According to the Law, “the Oneida Police Department officer may issue a citation to the minor and the minor’s parent, guardian, or legal custodian”. Also, according to the Law, “Upon a finding by the Family Court that a violation of this Law has occurred, the minor and/or the minor’s parent, guardian, or legal custodian may be subject to the following penalties: (a) Fines”. The Law goes on to state that “If an individual does not pay his or her fine the Family Court may seek to collect the money owed through the Nation’s garnishment and/or per capita attachment. However, according to the Trust Enrollment Director, Minor’s Trust assets cannot be attached for any reason. The Per Capita Law 123.4-9 Attachments. “All per capita payments, except distributions to or from a trust account for a beneficiary, may be subject to attachment prior to distribution in accordance with this section.” The Minor’s Trust is an example of a trust account that doesn’t allow attachments on payments into or distributions out of the account. The analysis specifically states that parents, guardians or legal custodians can be garnished or their Per Capita attached. The Law is not as clear on this point that it does not apply to any fines of the minor.

This comment implies that the Curfew law is not clear as to its application to the Per Capita law. However, it is only the relevancy of this comment to the scope of the fiscal impact statement that is unclear.

The Curfew law simply provides that if an individual does not pay his or her fine the Family Court may seek to collect the money owed through the Nation’s garnishment and/or per capita attachment process or any other collection process available to the Family Court. [3 O.C. 308.7-1(a)(3)]. Many laws of the Nation contain a provision specifically delegating authority to a department of the Nation to use the attachment process contained in the Per Capita law to pursue uncollected fines.

The purpose of this provision is to allow the Family Court the option to pursue per capita attachment for unpaid fines when appropriate. Any attempt by the Family Court to attach the per capita of an individual must comply with the provisions found in the Nation’s Per Capita law. [1 O.C. 123.4-9(d)]. Therefore, it is the Per Capita law, and not the Curfew law, that would provide the detail as to when the Family Court may attach the per capita of an individual.

Per capita attachment may not be appropriate as a means to address fines owed by a minor child, but it may be an appropriate measure to seek unpaid fines from a minor’s parent, guardian, or legal custodian. The Family Court is not required to use the Nation’s per capita attachment process, just as the Family Court is not required to impose fines as a penalty for curfew violations. The discretion lies with the Family Court.

7. The Family Court has the ability to order Community Service, however there are no programs in place within the Nation that provide and/or monitor community service. Therefore, this is an additional burden on the Court. Also, in the absence of any specific program for community service, what is acceptable for this order is ambiguous.

The comment that the use of community service as a penalty for curfew violations is a burden for the Family Court is irrelevant to the determination of this fiscal impact. The Family Court has already provided that the Judiciary can implement the Law within ten (10) business days with any costs being born within its existing budget.

Other laws of the Nation, such as the Domestic Animals law [3 O.C. 304.13-5(b)] and the Child Support law Rule No. 2 Enforcement Tools [Rule No.2 - 2.8-2(c)] also delegate authority to the Judiciary to utilize community service.

Additionally, the comment that in the absence of any specific program for community service, what is acceptable for this order is ambiguous is also mistaken. The Family Court is provided the discretion to order community service as a penalty for violations of the Curfew law. [3 O.C. 308.7-1(b)]. The Law does not require the Family Court to find potential community service assignments for individuals. Ultimately, it is up to the individual to secure a community service assignment – whether that community service assignment is within a department of the Nation or held outside of the Nation. The Family Court is required to approve community service assignments, and the Law is clear that the Family Court is directed to give preference to those community service assignments that are culturally relevant or focus on the betterment of the individual's community. [3 O.C. 308.7-1(b)(1)].

The Law also requires that the Family Court's order for community service include the following specific information:

- Statement that the community service order is monitored;
  - How many hours of community service the individual is required to complete;
  - The time frame in which the hours shall be completed;
  - How the individual shall obtain approval for his or her community service assignment;
  - How the individual shall report his or her hours; and
  - Any other information the Family Court determines is relevant.
- [3 O.C. 308.7-1(b)(1)-(3)].

It is unclear what the Finance Department has determined is ambiguous about the requirements of the Family Court's potential orders for community service.

**8. It is unclear how the costs of ordered counseling or other parental programs will be accounted for. It is unclear if this is going to be an additional cost to the parents or if the Judiciary will be charged by Social Services.**

Although this comment questions whether the cost of participation in a parenting program or counseling will be imposed by Social Services against the parent or the Judiciary, it lacks any discussion or analysis of what that potential cost imposed by Social Services may be.

This comment also is misguided in its assumption that it will be the Nation's Social Services parenting program that is used. An order to participate in family counseling or a parenting program may not be exclusive to those programs provided by the Nation. Individuals may use family counseling and/or parenting programs from other entities if available.

Additionally, due to the fact that participation in the family counseling and/or parenting program is a penalty imposed against an individual for violations of the Curfew law, it is the responsibility of the individual and not the Family Court to cover the costs associated with participation in any counseling and/or parenting program.

- 9. According to the analysis, OPD received a total of eighty-eight (88) juvenile related calls in 2018. Of that, only sixteen (16) of those calls occurred between the hours of 10 p.m. and 6 a.m. Given this, it is still not possible to calculate the potential volume of the impact of implementing this Law on the demands of the Family Court docket or the other Social Service programs.**

Despite being provided specific data as to volume of calls regarding juveniles placed to the Oneida Police Department during what would be curfew hours, this comment provides that it is not possible to calculate the potential volume of impact of implementing this Law on the demands of the Family Court.

Although the Legislative Operating Committee understands that it is impossible to predict the future and know exactly how many citations may come forward for curfew violations, the Legislative Operating Committee does not understand why the Finance Department chose not to use the available data to provide an estimation or projection as to what the impact may be based on what has occurred within previous years. This information would have been useful for a greater understanding of potential fiscal impacts of this law.

- 10. According to the Governmental Services Division (GSD), Parenting may be able to handle the referrals from the Family Court, but it really depends on the volume. Their priority for Parenting at this time is for families who are involved with Child Welfare. They are also concerned with the curriculum of their parenting programs and meeting the requirements of a court order. This fact alone would require GSD to meet with the Judiciary to determine their requirements. GSD, or more specifically Family Services, was not familiar with impacts to their area and believes that is a topic that still needs to be explored.**

This comment expresses concern regarding the communication between the Judiciary and the Governmental Services Division on requirements or impact of participation in a parenting program as a penalty for violations of this Law. This comment is inappropriate to be included in the fiscal impact statement as it is outside the scope of a fiscal impact statement.

An order by the Family Court for an individual to participate in family counseling and/or a parenting program does not necessarily mean that the individual will be utilizing the services of the Nation for that programming. Individuals may use family counseling and/or parenting programs from other entities if available.

Additionally, the Legislative Operating Committee has also been in communication with the Governmental Services Division Director on the implementation of the Curfew law and how it may impact the various areas in the Governmental Services Division.



**Conclusion**

The Legislative Operating Committee believes the Finance Department failed to adequately explain the indeterminate conclusion. Additionally, the Legislative Operating Committee determined that the Curfew law fiscal impact statement went beyond the purpose and scope of a fiscal impact statement by providing personal comments and questions.

The Legislative Operating Committee hopes this communication can ensure that any future fiscal impact statements provided for proposed legislation remain focused on providing an estimate of the total fiscal year financial effects associated with the proposed legislation, and are void of any personal opinions or questions of the Finance Department may have.

**Requested Action**

The Legislative Operating Committee requests that future fiscal impact statements provided by the Finance Department stay within the scope of a fiscal impact statement as provided by the Legislative Procedures Act. The Legislative Operating Committee additionally requests that any extraneous comments or questions not directly related to the fiscal impact statement be submitted through the public comment process.

**Oneida Business Committee Agenda Request**

Adopt resolution entitled Curfew Law Penalty and Fine Schedule

**1. Meeting Date Requested:** 10 / 9 / 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 # \_\_\_\_\_ Curfew Law Penalty and Fine Schedule

- 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 Curfew law ("the Law") was adopted by the Oneida Business Committee through  
12 resolution BC- - - - -; and  
13  
14 **WHEREAS,** the purpose of the Law is to protect the health, safety, and welfare of persons and property  
15 within the Reservation by regulating the activities of minors on the Reservation during  
16 certain hours, while imposing certain obligations and responsibilities upon the parents,  
17 guardians, and/or legal custodians of a minor for the control and supervision of that minor;  
18 and  
19  
20 **WHEREAS,** the Law prohibits any minor from being on any public space either on foot or in any vehicle  
21 driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of  
22 the Reservation, unless the minor is accompanied by a parent, guardian, or legal  
23 custodian; and  
24  
25 **WHEREAS,** the Law prohibits any parent, guardian, or legal custodian from knowingly permitting or  
26 failing to take action to prevent a minor from being on any public space either on foot or in  
27 any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the  
28 boundaries of the Reservation; and  
29  
30 **WHEREAS,** the Law allows the Family Court to impose various penalties against a minor and/or a  
31 minor's parent, guardian, and/or legal custodian if the Family Court finds a violation of this  
32 Law has occurred; and  
33  
34 **WHEREAS,** penalties available under this Law include community service, family counseling and/or  
35 parenting programs, fines, and/or any other penalty as deemed appropriate by the Family  
36 Court; and  
37  
38 **WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution  
39 a fine schedule which sets forth specific fine amounts for violations of this Law; and  
40  
41 **NOW THEREFORE BE IT RESOLVED,** that upon a finding by the Family Court that a violation of this Law  
42 occurred section 308.7-1(a)-(d) of the Law allows the Family Court to impose various penalties including

community service, family counseling and/or parenting programs, fines, and/or any other penalty as deemed appropriate by the Family Court, upon a finding that a violation of this Law has occurred.

**BE IT FURTHER RESOLVED**, that the Oneida Business Committee hereby sets forth the following fine schedule to be used by the Family Court if deemed an appropriate penalty in accordance with the Curfew law:

FINE SCHEDULE				
Violation	Reference	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense and Up
Failure of a minor to comply with the Nation's curfew	308.5-1	\$50	\$100	\$200
Failure of a parent, guardian, or legal custodian to ensure a minor complies with the Nation's curfew	308.5-2	\$50	\$100	\$200

**BE IT FURTHER RESOLVED**, criminal charges and referrals may be appropriate in certain cases and are not prohibited.

**BE IT FURTHER RESOLVED**, the issuance of a citation for a violation of this Law shall require the mandatory appearance of the minor and minor's parent, guardian, and/or legal custodian at the citation pre-hearing.

**BE IT FURTHER RESOLVED**, any money received from fines collected for violations of the Curfew law shall be contributed to drug use prevention initiatives such as the Tribal Action Plan.

**BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall become effective on October 23, 2019.



**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## **Statement of Effect** *Curfew Law Penalty and Fine Schedule*

### ***Summary***

Through this resolution the Oneida Business Committee adopts a fine schedule for violations of the Curfew law.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*  
*Date: September 23, 2019*

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

The Curfew law (“the Law”) was adopted for the purpose of protecting the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor. [3 O.C. 308.1-1].

The Law prohibits any minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation, unless the minor is accompanied by a parent, guardian, or legal custodian. [3 O.C. 308.5-1]. The Law also requires that no parent, guardian, or legal custodian knowingly permit or fail to take action to prevent the minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation. [3 O.C. 308.5-2].

The Law allows the Family Court to impose various penalties against a minor and/or the minor’s parent, guardian, and/or legal custodian upon a finding by the Family Court that a violation of this Law has occurred. [3 O.C. 308.7-1]. Penalties may include community service, family counseling and/or parenting programs, fines, and/or any other penalty as deemed appropriate by the Family Court. [3 O.C. 308.7-1].

The Law delegates authority to the Oneida Business Committee to adopt through resolution a fine schedule which sets forth specific fine amounts for violations of this Law to be used if the Family Court determines a fine is an appropriate penalty. [3 O.C. 308.7-1(a)]. This resolution sets forth the fine schedule which includes the specific fine amounts for various violations of the Law.

The resolution also clarifies that the Law allows for other penalties to be imposed against a minor and/or the minor’s parents, guardian, and/or legal custodian such as community service, participation in family counseling and/or parenting programs, as well as any other penalty deemed appropriate by the Family Court. [3 O.C. 308.7-1(b)-(d)].

The resolution further provides the allowance for criminal charges and referrals in addition to penalties under this Law, that violations under the Law require a mandatory appearance at the pre-hearing, and that any money received from the fines collected for violations of this Law shall be contributed to drug use prevention initiatives such as the Tribal Action Plan.

***Conclusion***

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

**Oneida Business Committee Agenda Request**

Approve the Oneida Gaming Commission bylaws amendments

**1. Meeting Date Requested:** 10 / 9 / 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 GAMING COMMISSION BYLAWS****Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Gaming Commission and may be referred to, interchangeably, as the Commission or OGC.

1-2. *Establishment.* The Oneida Gaming Commission was officially established by the Oneida Nation Gaming Ordinance, which was adopted by the Oneida General Tribal Council through resolution GTC-07-05-04-A and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D, BC-06-25-14-B and BC-09-09-15-A.

1-3. *Authority.*

(a) *Purpose.* The Oneida Gaming Commission was established for the purpose of protecting the assets and integrity of Oneida Gaming through regulatory oversight of all Gaming Activities within the jurisdiction of the Nation.

(b) *Powers and Duties.* The Commission has all the authority delegated to it by the laws, policies, rules and resolutions of the Nation, including, but not limited to, the authority and responsibility the Oneida Business Committee delegated to the Commission through the Oneida Nation Gaming Ordinance (“ONGO”) set forth in Title 5 of the Oneida Code of Laws for the regulation of Gaming Activities, Gaming Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and the enforcement of the laws and regulations as set forth, defined and more fully identified within ONGO

1-4. *Office.* The Oneida Gaming Commission shall maintain its office and principal place of business within the Reservation. The OGC’s official address is:  
Oneida Gaming Commission  
P.O. Box 79  
Oneida, WI 54155

1-5. *Membership.*

(a) *Number of Members.* The OGC shall be comprised of four (4) full-time Commissioners.

(1) *Pro Tem Commissioners.* The OGC shall create and maintain standard operating procedures to govern the selection and eligibility of its Pro Tem Commissioners.

(A) All standard operating procedures of the OGC must be filed with the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law.

(B) An exclusive list of Pro Tem Commissioners shall be maintained by the OGC Investigations and License Department.

- (b) *Elected.* Commissioners of the OGC shall be elected in accordance with the laws and/or policies of the Nation governing elections.
- (1) Commissioners shall serve staggered terms of five (5) years.
  - (2) Each Commissioner shall hold office until his or her term expires, he or she resigns, or he or she is removed/terminated from office pursuant to any law and/or policy of the Nation governing the removal of elected and/or termination of appointed officials.
    - (A) Although a Commissioner'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 Commissioner may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the OGC's Chairperson or Chairperson's designee. The resignation is effective upon acceptance by motion of a Commissioner's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies on the Commission shall be filled as follows:
- (1) *Expired Terms.* Vacancies caused by the expiration of a Commissioner'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 of office, however caused, shall be filled by appointment by the Oneida Business Committee of a person, who qualifies under ONGO and these bylaws, in accordance with the Boards, Committees and Commissions law for the remainder of the unexpired term.
    - (A) The Chairperson of the OGC shall provide the Oneida Business Committee recommendations on all applications for appointment by the executive session in which the appointment is intended to be made.
- (d) *Qualifications of Members.* Commissioners of the OGC shall meet the following qualifications:
- (1) Be at least twenty-one (21) years of age on the day of the election or on the day of appointment; AND
  - (2) Candidates for election shall meet the following qualifications within five (5) business days after a caucus, and candidates for appointment shall meet the following qualifications on the day of appointment:
    - (A) Be an enrolled member of the Nation;
    - (B) Have a minimum of three (3) years of education experience, employment experience and/or regulatory experience in Gaming Operations related to Gaming Activity, Gaming law, Gaming control or regulation, or Gaming accounting or of any combination of the foregoing; and
    - (C) Meet all other qualifications set forth in ONGO.

- 1-6. *Termination or Removal.* If a Commissioner violates these bylaws; ONGO; or any of the laws, policies, compacts or regulations referenced within ONGO, the OGC may:
- (a) If the Commissioner was elected, file a petition for his or her removal in accordance with the Removal law or any other laws and/or policies of the Nation governing the removal of elected officials from office.
  - (b) If the Commissioner was appointed, make a recommendation to the Oneida Business Committee for termination of his or her appointment in accordance with the Boards, Committees and Commissions law or any other laws and/or policies of the Nation governing the termination of appointed officials from office.
  - (c) The filing of a petition for removal or submission of a recommendation for termination shall be decided by a majority vote of the Commissioners in attendance at an OGC meeting of an established quorum.

- 1-7. *Trainings and Conferences.* Commissioners shall be required to attend at least one (1) regulatory training event per year and further attend any trainings and/or conferences in accordance with the OGC-approved Travel Guidelines.
- (a) Commissioners shall keep updated on all regulatory matters, new and upcoming.

## Article II. Officers

- 2-1. *Officers.* The Officer positions of the 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 shall be as follows:
- (a) To call and preside over all official meetings of the OGC.
  - (b) To sign all official correspondence of the OGC.
  - (c) To be the official contact person to the Oneida Business Committee, State of Wisconsin and any federal agencies.
  - (d) To be responsible for the daily supervision of the Executive Director.
  - (e) To make recommendations for appointments to fill vacancies to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.
  - (f) To, in conjunction with the Secretary or Secretary's designee, 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 further attend or designate a Commissioner to attend the Oneida Business Committee meeting where the OGC's quarterly report appears on the agenda.
  - (g) To see that all duties and responsibilities assigned to the OGC under ONGO are appropriately carried out.

- 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson shall be as follows:



- 137 (a) In the absence of, incapacity of, or conflict of the Chairperson, the Vice-  
138 Chairperson shall perform the duties of the Chairperson.  
139

140 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
141 Secretary shall be as follows:

- 142 (a) To act as custodian of records for the OGC and maintain those records in  
143 accordance with ONGO and the Nation's Open Records and Open Meetings  
144 law.  
145 (b) To perform all duties incident to the office of the Secretary, including, but  
146 not limited to:  
147 (1) Ensuring personally or through delegation to appropriate staff that  
148 minutes of meetings are formatted and maintained; that meeting  
149 agendas, including any attachments, are prepared and maintained;  
150 and that meetings of the OGC, along with their related agendas,  
151 documents, minutes and attachments, are noticed and recorded, all  
152 in compliance with these bylaws and the Boards, Committees and  
153 Commissions law.  
154 (2) Submitting or ensuring the submission of approved minutes of any  
155 regular or emergency meeting to the Oneida Business Committee  
156 Support Office and the Tribal Secretary's Office within thirty (30)  
157 days of their approval.  
158 (3) Assisting the Chairperson in submitting quarterly reports to the  
159 Oneida Business Committee and submitting annual and semi-annual  
160 reports to the Oneida General Tribal Council in accordance with the  
161 Boards, Committees and Commissions law.  
162 (c) In the event that both the Chairperson and Vice-Chairperson positions  
163 become vacant before the end of their terms, to call meetings of the OGC to  
164 fill vacancies and to preside over those meetings for the sole purpose of  
165 conducting an election of new Officers, at which point the Chairperson, or  
166 Vice-Chairperson in lieu of the Chairperson, shall preside.  
167

168 2-5. *Selection of Officers.* Within thirty (30) days of the swearing in of each new Commissioner,  
169 the OGC shall hold a regular meeting to elect, by a majority vote of the  
170 Commissioners in attendance at the meeting of an established quorum, a  
171 Chairperson, a Vice-Chairperson and a Secretary for terms of one (1) year.

- 172 (a) In the event of an Officer vacancy, a successor shall be elected by a majority  
173 vote of the Commissioners in attendance at an OGC meeting of an  
174 established quorum to complete the duration of the unexpired term.  
175 (b) A Commissioner may be dismissed from his or her Officer position by a  
176 majority vote of the Commissioners in attendance at an OGC meeting of an  
177 established quorum.  
178 (c) Officers may hold only one (1) Officer position per Officer term.  
179

180 2-6. *Budgetary Sign-Off Authority and Travel.* The Commission shall function pursuant to an  
181 annual budget.

- (a) The Oneida Business Committee shall submit the operating budget of the OGC for approval in the same fashion as all other budgets of the Nation.
- (1) The Commission shall adopt internal rules consistent with the existing accounting practices of the Nation to verify its budgetary expenditures.
- (b) The Commission shall follow the Nation's policies and procedures governing purchasing and sign-off authority.
- (1) Levels of budgetary sign-off authority for the OGC shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for a General Manager/Chief Financial Officer/Gaming Commission.
- (A) All OGC Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
- (i) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (c) The Commission shall follow its approved annual travel policy.
- (1) The OGC shall approve a Commissioner's request to travel on behalf of the OGC by a majority vote of the Commissioner's in attendance at a regular or emergency OGC meeting of an established quorum.
- 2-7. *Personnel.* The Commission has authority to hire an Executive Director who shall be responsible for hiring and managing the personnel of the Commission.
- (a) The Executive Director shall hire such personnel as is necessary to assist the Commission in fulfilling its responsibilities under ONGO; the Indian Gaming Regulatory Act (IGRA); the Compact; and all other applicable regulations, including, but not limited to, the Oneida Gaming Minimum Internal Control Regulations (OGMICR).
- (b) The Executive Director and the OGC personnel shall be hired through and subject to the Nation's Personnel Policies and Procedures, as well as its salary schedules.
- (1) The Executive Director and the OGC personnel shall be required to meet the requirements for license qualification as set forth in ONGO at the time of hiring and during their employment.

### Article III. Meetings

- 3-1. *Regular Meetings.* The OGC shall conduct regularly scheduled meetings as called for by the Chairperson in accordance with these bylaws, subject to the following:
- (a) Meetings shall be scheduled on the 1st and 3rd Monday of each month, commencing at 9:00 a.m., at the Oneida Gaming Commission located in Green Bay, Wisconsin.
- (b) The regular meeting date, time and/or location may change from time-to-time as determined by majority vote of the Commissioners in attendance at

an OGC meeting of an established quorum upon advance notice to all Commissioners in writing and to the public in accordance with these bylaws, as well as any other governing law/policy of the Nation.

- (1) The OGC shall conduct at least one (1) regular meeting per month.
- (c) Notice of the meeting location shall be forwarded by the Secretary to the Oneida Business Committee Support Office for posting in accordance with its process and shall further be posted in the Kalihwisaks.
- (d) Notice of the meeting agenda, documents and minutes shall be provided by the Secretary or Secretary's designee to all Commissioners and the public in writing, using the formats designed by the Oneida Business Committee Support Office to create agendas and record minutes, as well as in accordance with these bylaws and any other governing law/policy of the Nation.
  - (1) All Commissioners shall be noticed of the next meeting agenda no later than the Thursday prior to the meeting.
  - (2) Commissioners are required to review the meeting packet prior to the meeting.
    - (A) The meeting packet is located on the G: Drive-COMMISSION\_GAMINGCOMMISSION\_OGC Meeting Packet.
    - (B) The meeting packet will also be electronically available at the meeting, as requested.
- (e) Meetings shall follow the Robert's Rules of Order format.

3-2. *Emergency Meetings.* An emergency meeting may be called to address an unforeseeable and imminent situation that requires OGC official action before its next regularly scheduled meeting.

- (a) Emergency meetings of the OGC may be called by the Chairperson or a quorum of the OGC, provided that:
  - (1) A quorum for the emergency meeting is established; and
  - (2) The Chairperson and/or Vice-Chairperson will be present to preside over the meeting.
- (b) Notice of an emergency meeting shall be provided to all Commissioners by telephone call, as well as via email communication sent to the official Oneida Nation email address provided to all Commissioners to conduct business electronically on behalf of the OGC ("Official Email"), and to the public in accordance with section 3-1 of these bylaws.
- (c) Within seventy-two (72) hours of the emergency meeting, the OGC shall provide the Nation's Secretary with notice of the meeting, the reason for the meeting, and an explanation as to why the matter could not wait until the next regular meeting.

3-3. *Joint Meeting.* Joint meetings shall be held between the OGC and the Oneida Business Committee within the Oneida Business Committee Conference Room of the Norbert Hill Center on a quarterly basis or as agreed upon between the entities to discuss policy and matters of regulatory importance.

274 (a) Notice of the joint meeting agendas, documents and minutes shall be  
275 provided, and the joint meeting conducted, in accordance with resolution  
276 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
277 Boards, Committees and Commissions – Definitions and Impact, as may be  
278 amended from time to time hereafter.  
279

280 3-4. *Quorum.* A quorum shall consist of a majority of the OGC Commissioners.

281 (a) Either the Chairperson or the Vice-Chairperson must be present to have a  
282 quorum unless the Secretary is presiding over a meeting in accordance with  
283 section 2-4(c) of these bylaws.  
284

285 3-5. *Order of Business.* The order of business for regular meetings, as applicable, is:

- 286 (a) Call to Order
- 287 (b) Adopt the Agenda
- 288 (c) Approval of Minutes
- 289 (d) Old Business
- 290 (e) New Business
- 291 (f) Reports
- 292 (g) Tabled Business
- 293 (h) Executive Session
  - 294 (1) Licenses
  - 295 (2) Contracts
  - 296 (3) Investigations
- 297 (i) Adjournment

298  
299 3-6. *Voting.* A majority vote of the Commissioners in attendance at an OGC meeting of  
300 an established quorum is required for official OGC action.

301 (a) An official action is considered approved and immediately effective upon  
302 an affirmative vote of a majority of the Commissioners present at the OGB  
303 meeting of an established quorum.

304 (b) The Chairperson, or presiding Officer in the Chairperson's absence, may  
305 only vote in the event of a tie.

306 (c) E-polls are permissible so long as conducted in accordance with the Boards,  
307 Committees and Commissions law.

308 (1) The Executive Director shall serve as the Chairperson's designee for  
309 the responsibility of conducting an e-poll in the Chairperson's  
310 absence or discretion.  
311

## 312 **Article IV. Expectations**

313 4-1. *Behavior of Members.*

314 (a) Commissioners are expected to refrain from behaviors and activities that  
315 negatively affect the OGC's ability to govern and effectively oversee the  
316 regulation of Gaming.

317 (1) Commissioners are prohibited from engaging in any activities that  
318 would render them ineligible for election or appointment to the OGC  
319 under ONGO.

- 320 (2) Unless otherwise stated in ONGO, a Commission Regulation or by  
321 majority vote of the Commissioners in attendance at an OGC  
322 meeting of an established quorum, no Commissioner shall act  
323 independently of the Commission.
- 324 (3) While in office, Commissioners are prohibited from engaging in any  
325 other profession or business activity that may impede their ability to  
326 perform duties on behalf of the OGC or that competes with the  
327 Nation's interests.
- 328 (b) In addition to the responsibilities delegated under ONGO, Commissioners  
329 are expected to adhere to the following behavioral expectations while  
330 serving on the OGC:
- 331 (1) Attending all meetings of the OGC unless excused;
- 332 (A) A Commissioner who fails to notify an OGC Officer, in  
333 writing, of his or her pending absence at least thirty (30)  
334 minutes before the missed meeting shall be deemed  
335 unexcused.
- 336 (2) Voting timely;
- 337 (3) Complying with approved communications protocols;
- 338 (4) Abiding by collective action protocol and not acting individually;
- 339 (5) Adhering to the OGC-approved Guidelines and Expectations, all  
340 applicable laws of the Nation and these bylaws; and
- 341 (6) Performing other duties and functions as determined by a majority  
342 vote of the Commissioners present at an OGC meeting of an  
343 established quorum, or as directed by resolution or a law of the  
344 Nation.
- 345 (c) *Enforcement.* Violations of this section or any other section of these bylaws  
346 may be enforced, upon a majority vote of the Commissioners in attendance  
347 at an OGC meeting of an established quorum, as follows:
- 348 (1) If the Commissioner was elected, the OGC may file a petition to  
349 remove the Commissioner in accordance with the Removal Law and  
350 /or any other law or policy of the Nation governing the removal of  
351 elected officials from office.
- 352 (2) If the Commissioner was appointed, the OGC may make a  
353 recommendation to the Oneida Business Committee for the  
354 termination of his or her appointment in accordance with the Boards,  
355 Committees and Commissions law and/or any other law or policy of  
356 the Nation governing the termination of appointed officials from  
357 office.
- 358 (3) The OGC may commence an action to have the Commissioner  
359 disciplined in accordance with any law or policy of the Nation  
360 governing sanctions and penalties for elected and/or appointed  
361 officials.
- 362
- 363 4-2. *Prohibition of Violence.* Commissioners are prohibited from committing any violent  
364 intentional act that inflicts, attempts to inflict, or threatens to inflict  
365 emotional or bodily harm on another person, or damage to property.

4-3. *Drug and Alcohol Use.* Commissioners are prohibited from using alcohol and/or illegal drugs when acting in their official capacity.

4-4. *Social Media.* Commissioners shall abide by the Nation's Social Media Policy and their oath of office when using social media on behalf of or as a representative of the OGC.

4-5. *Conflict of Interest.* Commissioners shall comply with all laws of the Nation governing conflicts of interest, including, but not limited to, the Boards, Committees and Commissions law and the Conflict of Interest law.

(a) No person may be considered for election or appointment as an OGC Commissioner until he or she has disclosed all conflicts of interest as defined by the Nation's Conflict of Interest law and the Boards, Committees and Commissions law.

(b) Commissioners must have a Conflict of Interest form completed annually and on file.

#### **Article V. Stipends and Compensation**

5-1. *Stipends.* Only a Pro-Tem Commissioner shall be eligible to receive a stipend for conducting an official hearing on behalf of the OGC; provided, he or she has met the requirements for eligibility under 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.

5-2. *Compensation.* The Commission shall function pursuant to the annual budget. The Oneida Business Committee shall submit the operating budget of the Commission for approval in the same fashion as all other budgets of the Nation. Compensation of the Commissioners is not subject to the Boards, Committees and Commissions law, but must be established by the Commission in a manner consistent with the Commission's internal rules and bylaws. The Commission shall adopt internal rules consistent with the existing accounting practices of the Nation to verify its budgetary expenditures.

#### **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format as set forth in section 3-5 of these bylaws on a template designed by the Oneida Business Committee Support Office.

6-2. *Minutes.* Meeting minutes shall be typed in the format designed by the Oneida Business Committee Support Office to generate the most informative record of all meetings of the OGC, including that:



- 411 (a) Minutes shall provide a summary of official action taken by the OGC  
412 during the meeting.  
413 (1) Discussion and Executive Session dialogue will not be included in  
414 the minutes.  
415 (2) Draft minutes shall be sent to all Commissioners via email to their  
416 Official Email address.  
417 (b) All minutes shall be filed with the Oneida Business Committee Support  
418 Office and the Nation's Secretary within thirty (30) days of their approval  
419 by the OGC.  
420 (c) Minutes, along with supporting documentation, shall be scanned in  
421 electronically for electronic record retention in accordance with ONGO and  
422 the Nation's Open Records and Open Meetings law.  
423  
424 6-3. *Attachments.* Handouts, reports, memoranda, and the like that are supporting documents  
425 to the OGC's official actions shall be scanned in electronically, along with  
426 the meeting minutes and agenda, so that all materials can be identified to  
427 the meeting in which they were presented.  
428 (a) Attachments shall be maintained in accordance with the Open Records and  
429 Open Meetings law.  
430  
431 6-4. *Oneida Business Committee Liaison.* The OGC shall meet with the Oneida Business  
432 Committee member who is its designated liaison as needed, the frequency  
433 and method of communication to be agreed upon between the liaison and  
434 the OGC.  
435 (a) The Oneida Business Committee liaison shall have a standing invitation to  
436 the regular OGC meetings.  
437 (b) The purpose of the liaison relationship shall be to uphold the liaison's ability  
438 to act as support to the OGC.  
439  
440 6-5. *Audio Recordings.* All OGC meetings shall be audio recorded via automated recording  
441 software supplied by the OGC.  
442 (a) The audio recordings shall be saved and maintained, consistent with all  
443 governing laws of the Nation, in the G: Drive – COMMISSIONGAMING\_  
444 COMMISSION\_OGC Meeting Minutes Notifications/Recorded Meetings/  
445 Year.  
446 (b) *Exception.* Audio recordings of executive session portions of a meeting  
447 shall not be required.  
448

## 449 **Article VII. Amendments**

- 450 7-1. *Amendments.* These bylaws of the OGC may be amended by majority vote of the  
451 Commissioners in attendance at an OGC meeting of an established quorum.  
452 (a) Any amendments to these bylaws shall conform to the requirements of the  
453 Boards, Committees and Commissions law and any other policy of the  
454 Nation.  
455 (b) All bylaw amendments must be subsequently approved by the Oneida  
456 Business Committee before implementation.

457  
458

- (c) The OGC shall review these bylaws on an annual basis.  
[Add Signature Block]





Analysis to Proposed Draft

2019 10 02

HANDOUT

## Oneida Gaming Commission Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P.Jordan	DRAFTER: Kristen M. Hboker	ANALYST: Maureen Perkins
Complies with Boards, Committees and 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].		
Intent of the Bylaws	The Oneida Gaming Commission (OGC) bylaws provide a framework for the operation and management of the OGC to govern the standard procedures regarding the way the OGC conducts its affairs, including: the election and appointment of persons to the OGC, 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 OGC was established for protecting the assets and integrity of Oneida Gaming through regulatory oversight of all gaming activities within the jurisdiction of the Nation [Proposed Bylaws 1-3(a)].		
Legislation Related to Boards, Committees and Commissions	Oneida Nation Constitution, Oneida Nation Gaming Ordinance (ONGO), Boards, Committees and Commissions law, Election law, Removal Law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law, Budget Management and Control law		
Enforcement/Due Process	Removal from an elected position on the OGC follows the Removal Law [1 O.C. 104] and termination from an appointed position on the OGC follows the Boards, Committees and Commissions law [1.O.C. 105.7-4]. The OGC included behavioral expectations in the bylaws that if not followed may result in a petition for removal in accordance with the Removal Law [1 O.C. 104] or the termination of an appointment in accordance with the Boards, Committees and Commissions law and/or a Commissioner may be disciplined in accordance with any law or policy of the Nation governing sanctions and penalties for elected and/ or appointed officials [1 O.C. 105.7-4 and 105.10-3(d)(1)] and [Proposed Bylaws 4-1(c)].		
Public Meeting	Public meetings are not required for bylaws.		
Fiscal Impact	A fiscal impact statement is not required for bylaws.		

### 1 SECTION 2. BACKGROUND

Analysis to Proposed Draft

2019 10 02

HANDOUT

- 2 A. The OGC bylaws amendments were added to the Active Files List on October 3, 2018, with David P.
- 3 Jordan as the sponsor.
- 4 B. The OGC is established under the ONGO to regulate gaming licensure and to investigate and monitor
- 5 gaming related activities within the territorial jurisdiction of the Oneida Reservation. ONGO was first
- 6 adopted by the GTC on July 5, 2004, by GTC Resolution 07-05-04-A and most recently amended by
- 7 OBC Resolution BC-09-09-15-A.
- 8 C. The OBC adopted the first set of OGC bylaws on April 25, 2005, and the bylaws have been most
- 9 recently amended on August 8, 2012.

### SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- 12 A. The bylaws comply with the Boards, Committees and Commissions law.
- 13 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled "Amending Resolution BC-09-26-18-
- 14 D Boards, Committees and Commissions Law Stipends" which details the types, specific dollar
- 15 amounts and digibility requirements of stipends.
- 16 C. The bylaws comply with OBC Resolution BC-03-27-19-D titled "Oneida Business Committee and
- 17 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

- 22 a. Detail was added to the membership section [*Proposed Bylaws 1-5*] to meet the
- 23 requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(a)(5)*]
- 24 including membership requirements established in ONGO [*5 O.C. 501.6-5*].
- 25 b. Detail was added requiring the OGC to draft a standard operating procedure related to the
- 26 selection and eligibility of Pro-Tem Commissioners. The standard operating procedure
- 27 must be filed with the Business Committee Support Office (BCSO) [*1 O.C. 105.12-2*] and
- 28 the exclusive list of Pro-Tem Commissioners will be maintained by the OGC Investigations
- 29 and License Department [*Proposed Bylaws 1-5(a)(1)*].
- 30 c. A provision was added that when an OGC members' term expires they will remain in office
- 31 until a successor is sworn in by the OBC [*Proposed Bylaws 1-5(b)(2)(A)*].
- 32 d. The resignation process has changed in accordance with the Boards, Committees and
- 33 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted [*Proposed Bylaws*
- 34 *1-5(b)(2)(B)*]:
- 35
  - Verbally and accepted by motion at a meeting; or
  - 36 • By delivering a written resignation to the BCSO and the OGC Chairperson or
  - 37 Chairperson's designee.
- 38 e. A provision was added detailing that expired terms will be filled by election in accordance
- 39 with the Election law [*Proposed Bylaws 1-5(c)(1)*] and [*1 O.C. 102*].
- 40 f. A provision was added that the Chairperson will make a recommendation to fill vacancies
- 41 on behalf of the OGC [*Proposed Bylaws 1-5(c)(2)(A)*] and [*Proposed Bylaws 2-2(e)*]
- 42 instead of the OGC making the recommendation [*Current Bylaws Article II, Section 3*].
- 43 This recommendation by the Chairperson is optional in the Boards, Committees and
- 44 Commissions law [*1 O.C. 105. 7-1(b)(1)*].
- 45 g. The process for filing a removal petition or recommending the termination of a member's
- 46 appointment process has changed to comply with the Boards, Committees and
- 47 Commissions law [*Proposed Bylaws 1-6*] and [*1 O.C. 105.7-4*].
- 48
  - The Removal Law will be followed for removal of elected members [*1 O.C.*
  - 49 *104*] and the Boards, Committees and Commission law will be followed for
  - 50 termination of appointed members [*1 O.C. 105.6-1(c)*].

- The decision to file a removal petition or recommend the termination of a member's appointment by the OBC shall be decided by a majority vote if OGC members at a meeting with an established quorum [*Proposed Bylaws 1-6(c)*].
- h. A Trainings and Conferences section has been added to provide details with regard to the minimum trainings or conferences OGC will be required to attend [*Proposed Bylaws 1-7*] to comply with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(7)*].
  - The OGC has included reference to a document titled "OGC Travel Guidelines" to give guidance regarding details of funding available in the budget for OGC travel and also requirements associated with travel. The Travel Guidelines have been reviewed and there are no conflicts between the guidelines and the laws of the Nation or these bylaws.

## B. ARTICLE II. OFFICERS

- a. Additional duties of the Chairperson include [*Proposed Bylaws 2-2*]:
  - Be responsible of the daily supervision of the Executive Director. This is a change from the OGC in the current bylaws [*Article I, Section 5*];
  - Required to make recommendations to the OBC for appointments to fill vacancies;
  - In conjunction with the Secretary or Secretary's designee; submit quarterly reports to the OBC and attend OBC meeting or designate an OGC member to attend the OBC meeting when an OGC report is on the agenda, in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3*];
  - Attendance at annual, semi-annual and budget meetings of the General Tribal Council [*1 O.C. 105.12-4*];
  - Ensuring all duties and responsibilities assigned to the OGC under ONGO are followed [*5 O.C. 501.6-14*].
- b. Additional duties of the Secretary include [*Proposed Bylaws 2-4*]:
  - Assisting the Chairperson in submitting quarterly reports to the OBC and submitting annual and semi-annual reports to the GTC in accordance with the Boards, Committees and Commissions law.
  - 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(a)*].
- c. A provision was added that a Commissioner may be dismissed from his or her Officer position by a majority vote of the Commissioners in attendance at an OGC meeting of an established quorum [*Proposed Bylaws 2-5(b)*]. A provision was added that prevents a member from holding more than one officer position on the OGC at the same time [*Proposed Bylaws 2-5(c)*].
- d. Budgetary and Sign-Off Authority and Travel. This is a new section to these bylaws based on requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].
  - The OGC will approve the operating budget in the same fashion as other budgets of the Nation which follows the Budget Management and Control law [*1 O.C. 121*]. ONGO requires the OGC to develop internal rules consistent with existing accounting practices of the Nation to verify its budgetary

expenditures [5 O.C. 501.6-11] this requirement is contained in the bylaws [Proposed Bylaws 2-6(a)(1)] and [Proposed Bylaws 5-2].

- The budgetary sign-off authority will be consistent with the Purchasing Policies and Procedures Manual for General Manager / Chief Financial Officer / Gaming Commission. The BCSO will have sign-off authority for requests for stipends, travel per diem and business expense reimbursement. All OGC Officers have the following sign-off authority and two (2) Officers must sign-off on all budgetary requests, including stipends and expenses [Proposed Bylaws 2-6(b)]:
  - i. Budgeted items with three bids for items between fifty thousand dollars (\$50,000) and two hundred thousand (\$200,000) with notification to the Treasurer for items in this price range monthly;
  - ii. Unbudgeted items between ten thousand dollars (\$10,000) and twenty-five thousand dollars (\$25,000); and
  - iii. Budgeted but sole sources items between ten thousand dollars (\$10,000) and twenty-five thousand dollars (\$25,000) [Oneida Tribe of Indians Purchasing Policies and Procedures, p. 216].
- 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 by a majority vote of a quorum of OGC in attendance at a regular or emergency OGC meeting [Proposed Bylaws 2-6(c)(1)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. OGC 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].
- e. The OGC has authority to hire an Executive Director who is responsible to hire and manage personnel necessary to assist the Commission to fulfill its responsibilities under ONGO, the Indian Gaming Regulatory Act, the Compact and all regulations including the Oneida Gaming Minimum Control Regulations [Proposed Bylaws 2-7]. This authority to hire personnel is contained in ONGO [5 O.C. 501.6-16]. The requirement for the details of the duties of staff to be contained in the bylaws is included in the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(7)].

### 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 – at least Once Monthly</li> </ul>	<ul style="list-style-type: none"> <li>Regularly Scheduled – 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month – at least 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>Quarterly or as agreed upon between the OGC and the OBC.</li> </ul>

- a. The regular meeting time and date were added to the bylaws [Proposed Bylaws 3-1] in compliance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(1)].
- b. A provision was added that meeting materials be made available by the Secretary or Secretary's designee to all Commissioners and the public in writing in accordance with the Open Records and Open Meetings law and also available on the G: Drive and electronically at the meeting [Proposed Bylaws 3-1(d)] and [1 O.C. 107.7-2].
- c. A provision was added requiring an advance notice by telephone call and in writing by Official Oneida Nation email to each member of the OGC at least twenty-four (24) hours before an emergency meeting is called [Proposed Bylaws 3-2(b)].

- d. A provision was added per the Boards, Committees and Commissions law that the OGC will notify the Nation's Secretary within seventy-two (72) hours of 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(c)*]. This complies with the requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(2)(A)*].
- e. Special meetings were removed [*Current Bylaws Section 2*].
- f. 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".
- g. E-polls were added as an acceptable form of voting and will be conducted by the Chairperson or the Executive Director in the Chairperson's absence or discretion [*Proposed Bylaws 3-6(c)*] and in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(6)(C) and (D) and 105.11*].

The agenda will be agreed upon by the OGC Chairperson upon the OGC 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 OGC, 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 OGC;

The Chairperson of the OGC 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. 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 [*Proposed Bylaws 4-1*] and prevent prohibited activities in accordance with ONGO [*5 O.C. 501.6-14*]. This complies with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)*]. A provision was added requiring OGC members to notify an OGC Officer in writing thirty (30) minutes before a meeting or the absence is deemed unexcused [*Proposed Bylaws 4-1(b)(1)(A)*].
- b. Enforcement of behavioral expectations must be decided by a majority vote of the OGC members present in a meeting with an established quorum and include [*Proposed Bylaws 4-1(c)*]:
- If elected, OGC may file a petition for removal in accordance with the Removal Law [*1 O.C. 104*];
  - If appointed, OGC may recommend termination of appointment by the OBC in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.6(c)*]; and
  - OGC may commence an action governing sanctions or penalties in accordance with the laws of the Nation.



- 174 c. The bylaws include a provision that prohibits intentional acts of violence that inflicts,  
175 attempts to inflict or threatens to inflict emotional or bodily harm or damage to property  
176 *[Proposed Bylaws 4-2]* in compliance with the Boards, Committees and Commissions law  
177 *[1 O.C. 105.10-3(d)(2)]*.
- 178 d. Drug and alcohol use by an OGC member when acting in an official capacity is prohibited  
179 *[Proposed Bylaws 4-3]* in compliance with the Boards, Committees and Commissions law  
180 *[1 O.C. 105.10-3(d)(3)]*.
- 181 e. The bylaws require OGC members to follow the Nation's Social Media Policy and their  
182 Oath of Office when using social media on behalf of or as a representative of the OGC  
183 *[Proposed Bylaws 4-4]* in compliance with the Boards, Committees and Commissions law  
184 *[1 O.C. 105.10-3(d)(4)]*.
- 185 f. The bylaws require OGC to abide by the Nation's Conflict of Interest law and the Boards,  
186 Committees and Commissions law *[1 O.C. 105.10-3(d)(5) and 105.15]* which includes  
187 disclosure of conflicts of interest annually *[Proposed Bylaws 4-5]*. ONGO requires a  
188 person to disclose all conflicts of interest prior to becoming a candidate for election or  
189 appointment to OGC *[5 O.C. 501.6-5(b)]*.
- 190
- 191 **E. ARTICLE V. STIPENDS AND COMPENSATION.**
- 192 A section was added to the bylaws that details stipend, compensation and corresponding requirements  
193 in accordance with the Boards, Committees and Commissions law *[O.C. 105.10-3(e)]*.
- 194 a. This section states that only Pro-Tem members are eligible to receive a stipend for  
195 participating in hearings conducted by the OGC *[Proposed Bylaws 5-1]*.
- 196 b. OGC compensation is subject to the Nation's budgeting process and not the Boards,  
197 Committees and Commissions law. The OGC will develop internal rules related to  
198 budgetary expenditures *[Proposed Bylaws 5-2]* in accordance with ONGO *[5 O.C. 501.6-*  
199 *11]*.
- 200
- 201 **F. ARTICLE VI. RECORDS AND REPORTING**
- 202 a. The OGC will follow the agenda format contained in Article III. 3-5 of the proposed bylaws  
203 using a template designed by the BCSO *[Proposed Bylaws 6-1]*. Minutes will utilize the  
204 BCSO format and draft minutes will be sent to all Commissioner via their Official email  
205 address. Finalized minutes will be submitted to the BCSO and Nation's Secretary within  
206 thirty (30) days of OGC's approval *[Proposed Bylaws 6-2(b)]*. This complies with the  
207 Boards, Committees and Commissions law *[1 O.C. 105.10-3(f)]*.
- 208 b. Packets and meeting materials; including all attachments, will be scanned and saved  
209 electronically for electronic record retention in accordance with ONGO *[1 O.C. 501.6-*  
210 *15(a)]* and be maintained and made available to the public in accordance with the Open  
211 Records and Open Meetings law *[Proposed Bylaws 6-2(c)] and [Proposed Bylaws 6-3]*  
212 *and [1 O.C. 107.7-2]*. This complies with the Boards, Committees and Commissions law  
213 *[1 O.C. 105.10-3(f)(3)]*.
- 214 c. OGC will meet with the OBC Liaison as needed and agreed upon between the OBC Liaison  
215 and the OGC and will have a standing invitation to attend regular OGC meetings to uphold  
216 the Liaison's ability to support the OGC *[Proposed Bylaws 6-4]* in accordance with the  
217 Boards, Committees and Commissions law *[1 O.C. 105.10-3(f)(4)]*.
- 218 d. A requirement was added that the OGC will audio record all meetings and maintain all  
219 audio files. Executive session is not required to be recorded *[Proposed Bylaws 6-5]*. This  
220 complies with the Boards, Committees and Commissions law and the Open Records and  
221 Open Meetings law *[1 O.C. 105.10-3(f)] and [1 O.C. 107.7-3]*.
- 222
- 223 **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 on an annual basis [Proposed Bylaws 7-1].

## 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 OGC 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 bylaws and the Oneida Nation Constitution.
- B. Oneida Nation Gaming Ordinance (ONGO) [5 O.C. 501]. This law sets forth the laws of the Nation regarding all gaming activities conducted within the jurisdiction of the Nation and is established in accordance with the Indian Gaming Regulatory Act, which is a federal law. The ONGO creates the requirements and qualifications of OGC members [5 O.C. 501.6-5] and establishes the OGC with preemptive authority as the original hearing body authorized to hear gaming licensing decisions and to investigate and monitor gaming related activities within the jurisdiction of the Nation [5 O.C. 501.6-14]. The bylaws reference the ONGO in the establishment and authority sections and require OGC to abide by the ONGO [Proposed Bylaws 1-2 and 1-3]. ONGO requires the OGC to develop internal rules consistent with existing accounting practices of the Nation to verify its budgetary expenditures [5 O.C. 501.6-11] this requirement is contained in the bylaws [Proposed Bylaws 2-6(a)(1)] and [Proposed Bylaws 5-2]. The bylaws comply and there are no conflicts with ONGO.
- C. Boards, Committees and Commissions [1 O.C. 105]. The law governs the procedures regarding the appointment and election of persons to the Nation's boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. Vacancies of expired terms of the OGC are filled by election by the Nation's qualified voting membership and vacancies of unexpired terms are appointed by the OGC [Proposed Bylaws 1-5(c)(1) and (c)(2)]. 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 OGC within a reasonable timeframe [1 O.C. 105.10-3]. The proposed bylaws comply and there are no conflicts with the Boards, Committees and Commissions law.
- D. Election [1 O.C. 102]. This law governs the process for election of a member to the OGC. 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 OGC is elected by the General Tribal Council [Proposed Bylaws 1-5(b)]. The proposed bylaws comply and there are no conflicts with the Election law.
- E. Removal Law [1 O.C. 104]. This law governs the removal process related OGC 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 and 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 proposed OGC bylaws include additional behavioral expectations that if not followed may result in a petition for removal if the member is filling an elected position [Proposed Bylaws 4-1(c)(1)]. 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.

F. Social Media Policy [2 O.C. 218]. OGC is required to abide by this law and their Oath of Office when using social media on behalf of or as a representative of the OGC [Proposed Bylaws 4-4]. This law regulates 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 Resource Ordinance and this policy, use of a Nation issued email, and ensure all content complies with all applicable laws of the Nation, state or federal laws. The proposed bylaws comply and there are no conflicts with the Social Media Policy.

G. Computer Resource Ordinance [2 O.C. 215]. OGC members are considered users under this law and must comply with established requirements to ensure appropriate use of the Nation's computer resources. Members of the OGC 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.

H. Travel and Expense Policy [2 O.C. 219]. Members of the OGC are eligible to be reimbursed for travel and per diem to attend a conference or training in accordance with this policy. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement [Proposed Bylaws 2-6(b)(1)(A)(i)]. All travel must be authorized by two (2) Officers [Proposed Bylaws 2-6(b)(1)(A)] in accordance with this law [2 O.C. 219.4-2]. The OGC will approve all board travel by majority vote of the board [Proposed Bylaws 2-6(c)(1)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. There are no conflicts between the bylaws and the Travel and Expense Policy.

I. Conflict of Interest [2 O.C. 217]. This law applies to the OGC 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 OGC bylaws include an additional provision that requires disclosure of all conflicts before a person can be considered a candidate for election or appointment to the OGC in accordance with ONGO [Proposed Bylaws 4-5(a)] and [5 O.C. 501.6-5(b)]. The Conflict of Interest law of the Nation 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.

J. 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 OGC bylaws delegates the Secretary as the custodian of the records [Proposed Bylaws 2-4(a)]. OGC meetings are open to the public except portions that meet the exceptions in this law related to personnel matters or contracts are



Analysis to Proposed Draft

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HANDOUT

being discussed and deemed confidential in accordance with this law [1 O.C. 107.12-2 and 107.17]. Meeting packets and backup materials are required to be scanned electronically for electronic record retention [Proposed Bylaws 6-2(c)] in accordance with ONGO [1 O.C. 501.6-15(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]. The proposed bylaws comply and there are no conflicts with the Open Records and OpenMeetings law.

- K. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The OGC is considered an entity [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 OGC members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires OGC members (officials) to have written consent from the OGC 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, OGC members must abide by all reporting requirements in this law [2 O.C. 210.9-2].
- a. OGC 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].
- L. Budget Management and Control [1 O.C. 121]. The OGC is considered a fund unit of the Nation under this law. Fund unit managers are required to develop, submit and maintain a triennial strategic plan for the fund unit's operations which aligns with the triennial strategic plan established by the OGC [1 O.C. 121.4-2].

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
ONEIDA GAMING COMMISSION  
BY-LAWS**

**ARTICLE I NAME**

- Section 1     Name: The name of this entity shall be the Oneida Gaming Commission (OGC)
- Section 2     Authority: This entity was established under the Oneida Nation Gaming Ordinance (ONGO), adopted by Oneida General Tribal Council Resolution # 7-05-04-A as amended. The Oneida Gaming Commission was initially governed by Standard Operating Procedures, which were adopted by the OGC on December 16, 1991. On April 25, 2005 the OGC adopted its first set of by-laws. The original bylaws were amended by approval of the Oneida Business Committee on August 8, 2012.
- Section 3     Office: The official mailing address of this entity shall be:  
Oneida Gaming Commission  
P.O. Box 49  
Oneida, WI. 54155
- Section 4     Mission: The OGC collectively promotes and ensures the integrity, security, honesty and fairness of the regulation and administration of all Gaming activities within the jurisdiction of the Oneida Reservation.
- Section 5     Personnel: The OGC shall be responsible for the supervision of the Executive Director. The OGC may employ such personnel, as it deems necessary to carry out the authority and responsibility as prescribed by Tribal Law.

**ARTICLE II MEMBERSHIP**

- Section 1     Membership: The number of OGC Commissioners is prescribed by the Oneida Nation Gaming Ordinance. The requirements of OGC membership are set out in ONGO and OGC Commissioners shall be elected in accordance with the Oneida Election Law.
- Section 2     Term: Commissioners shall serve a term of five (5) years and shall continue to serve until a successor takes the oath of office. The terms of office shall be staggered.
- Section 3     Vacancies: Any vacancy in an unexpired term of office, however caused, shall be filled by appointment by the Oneida Business Committee of a person qualified pursuant to sections 21.6-5 and 21.6-6 of ONGO. The OGC shall review

- applicants and provide recommendations and feedback to the Oneida Business Committee (OBC).
- Section 4     Removal: The removal of any Commissioner shall be in accordance with the Removal Law.
- Section 5     Compensation: The Commissioners of the OGC shall be compensated in accordance with ONGO (21.6-11) and per the Tribe's general budgetary practices.

### ARTICLE III   OFFICERS

- Section 1     Officers: Each year within thirty (30) days of swearing in of each newly elected Commissioner, the OGC shall hold a regular meeting wherein the Commissioners elect, by a majority vote, a Chairperson, Vice-Chairperson and a Secretary. In the event of a vacancy, the successor shall be voted in by the remaining voting Commissioners for the duration of the unexpired term.
- Section 2     Duties of the Chairperson:
- a. The Chairperson shall preside at all meetings of the OGC.
  - b. The Chairperson shall sign all official correspondence of the OGC.
  - c. The Chairperson shall vote only in the event of a tie.
- Section 3     Duties of the Vice- Chairperson: In the absence of, incapacity of, or conflict of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.
- Section 4     Duties of the Secretary: The OGC Secretary shall delegate appropriate staff to monitor and maintain the minutes of meetings, give notice of and prepare agendas for Regular and Special meetings, act as custodian of records for the OGC, and perform all duties incident to the office of the OGC Secretary. Within thirty (30) days of any Regular, Special, or Emergency meeting, the OGC Secretary shall forward the minutes of that meeting to the OBC Secretary's office.
- Section 5     Authority and Responsibility. Unless otherwise indicated in the ONGO or Commission Regulations, or authorized by majority vote of the Commission, no Commissioner shall act independently of the Commission. The Commissioners shall perform other duties and functions as determined by a quorum of the OGC or as directed by resolution or Tribal Law (ONGO 21.6-14).

### ARTICLE IV   MEETINGS

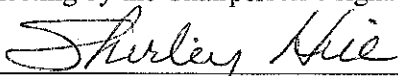
- Section 1      Regular Meetings: The OGC shall conduct regularly scheduled meetings as called for by the Chairperson; however there shall be at least one (1) regular meeting per month. Notice of meeting location, shall be forwarded by the Secretary to the OBC Secretary and posted in the Kalihwisaks.
- Section 2      Special Meetings:
- a. Special meetings of the OGC may be called by the OGC Chairperson or a quorum of the OGC.
  - b. Special meeting shall address a special purpose and specify the urgency.
  - c. Special meetings shall require a twenty-four (24) hour written notice to each OGC Member prior to convening the meeting.
- Section 3      Emergency Meetings:
- a. Emergency meetings of the OGC may be called by the OGC Chairperson or a quorum of the OGC. Such meetings shall not require a twenty-four (24) hour notice.
  - b. The Chairperson or Vice-Chairperson must be present to preside over the meeting.
- Section 4      Quorum. A quorum shall be a majority of OGC Commissioners. One of the Commissioners for a quorum shall be the Chairperson or Vice-Chairperson. A quorum must be present at all regular, special and emergency meetings in order for the OGC to conduct business.
- Section 5      Agenda. The meeting of the OGC shall follow the order of business as set forth below:
- a. Call to Order/Roll Call
  - b. Approval of Agenda
  - c. Approval of Minutes
  - d. Review of Directives
  - e. Reports
  - f. Old Business/Follow-Up
  - g. New Business
  - h. Contracts
  - i. Executive Session
  - j. Tabled Business
  - k. Adjournment

- Section 6      Voting: No action(s) of the OGC will be considered official unless ratified by a majority of the quorum of the OGC at a Regular, Special, or Emergency meeting.
- Section 7      Agenda: Agenda items shall be in an identified format as approved by the OGC.
- Section 8      Minutes:
- a. Minutes shall be typed and in a consistent format designed to generate the most informative record of all meetings of the OGC.
  - b. All minutes shall be filed with the OBC Secretary within thirty (30) days of their approval by the OGC.
  - c. Actions taken by the OGC are valid when minutes are approved, provided that, minutes are filed according to this Article, and any specific directions with these approved by-laws.
  - d. 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.
- Section 9      Reports: The OGC shall report to the OBC and/or GTC. Reports of matters pertaining to the business of the OGC shall be forwarded to the OBC via quarterly, semi-annual and annual reports, or as directed by the OBC and/or GTC.

## ARTICLE V      AMENDMENTS

- Section 1      Amendments to By-Laws: The By-Laws of the OGC may be amended by an OGC quorum at a Regular or Special meeting with subsequent approval of the OBC.

These Bylaws are hereby attested to as adopted by the Oneida Gaming Commission at a duly called meeting by the Chairperson's signature on the 30<sup>th</sup> day of July, 2012.



Shirley Hill, Chairperson  
Oneida Gaming Commission

These By-Laws are also approved by the Oneida Business Committee at a duly called meeting held on the 8<sup>th</sup> day of August, 2012 by the Secretary of the Oneida Business Committee's signature.



Patty Hoeft, Tribal Secretary  
Oneida Business Committee

**Oneida Business Committee Agenda Request**

Approve the Oneida Nation Arts Board bylaws amendments

**1. Meeting Date Requested:** 10 / 9 / 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 ARTS BOARD BYLAWS****Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Nation Arts Board and may hereinafter be referred to as the Board.

1-2. *Establishment.* The Oneida Nation Arts Board was established by the Oneida Business Committee through adoption of resolution BC-8-4-93-A and expanded upon by the Oneida Nation Arts Program – Dollars for Art Project Policies law (“DAP Law”), adopted under resolution BC-09-13-00-C, as the entity delegated authority to oversee and administer the Oneida Nation Arts Program - Dollars for Arts Project.

1-3. *Authority.*

(a) *Purpose.* The Board was established to assist in the promotion of a community that embraces art as a pathway to sovereignty, where traditional and contemporary arts are woven into the fabric of everyday life and embolden a sense of belonging. The Board was further established to provide advisory guidance and support to the Oneida Nation Arts Program (“ONAP”), and to oversee the Dollars for Arts Project (“DAP”) in accordance with the DAP Law.

(b) *Powers and Duties.* The powers and duties that have been delegated to the Board include, but are not limited to, the following:

(1) *Advisory.*

(A) Advise and guide an impactful Oneida Nation Art Program; and

(B) Serve as a sounding board and feedback loop to the ONAP Director for matters related to the arts in the Oneida Nation.

(2) *Advocacy.*

(A) Participate in the arts through teaching, learning, sharing and outreach;

(B) Support artists in the community through support of and participation in programs, events, arts groups and activities; and

(C) Report ONAP/DAP/Board activities and impact to the Oneida Business Committee.

(3) *Evaluation.*

(A) Evaluate the ONAP by request of the ONAP Director; and

(B) Provide support for determining impactful measures of ONAP/DAP success.

(4) *Fiscal.*

(A) Approve policies and procedures for the overall coordination and administration of regranting;

(B) Review and evaluate regranting annually;

(C) Allocate DAP funds annually; and

(D) Approve Fiscal Sponsorships.

- (5) Carry out all additional powers/duties delegated to the Board through the DAP Law; Boards, Committees and Commissions law; and any other governing laws, policies, rules and/or resolutions of the Nation.

1-4. *Office.* The official mailing address of the Board shall be:  
Oneida Nation Arts Board  
P.O. Box 365  
Oneida, WI 54155

1-5. *Membership.* The members of the Board shall be its Directors and there are no members who are not directors.

(a) *Number of Members.* The Board shall consist of seven (7) members.

(b) *Appointed Members.* Members of the Board shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law for three (3) year terms.

(1) *Term Limits.* Members of the Board shall serve no more than three (3) consecutive three (3) year terms.

(2) Board members shall remain in office until:

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

(i) 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 during a Board 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:

(i) Deliverance of the written notice to the Oneida Business Committee Support Office and to the Board Chairperson or Chairperson's designee; or

(ii) Acceptance by Board motion of the member's verbal resignation.

(C) *Termination.* Termination of a member's appointment shall be in accordance with the Boards, Committees and Commissions law.

(c) *Vacancies.* Vacancies for any reason on the Board shall be filled for the remainder of the term through appointment by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

(1) The Board Chairperson shall provide the Oneida Business Committee with recommendations, by majority vote of the members in attendance at a Board meeting of an established quorum, on applicants for appointment by the executive session in which the appointment is intended to be made.



- (d) *Qualifications.* Board members shall meet the following qualifications:
- (1) A majority shall be enrolled members of the Oneida Nation;
  - (2) Be at least eighteen (18) years of age;
  - (3) Have an interest and/or experience in the arts, marketing, business, government or nonprofit management; and
  - (4) Shall not be an employee of the ONAP as of the date of application for Board membership.

- 1-6. *Termination.* Termination of a member's appointment shall be carried out 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 a recommendation to the Oneida Business Committee for the termination of a member's appointment based on the following:
- (1) The member accrues three (3) unexcused absences from Board meetings within a one (1) year period; and/or
    - (A) A Board member shall be deemed unexcused if he or she fails to provide written notice of the absence to a Board Officer at least thirty (30) minutes before the start of the missed meeting.
  - (2) The member violates any section of these bylaws and/or any governing laws of the Nation.
- (b) Recommendations to the Oneida Business Committee for termination of a member's appointment shall be determined by a majority vote of the members in attendance at a Board meeting of an established quorum.
- 1-7. *Trainings and Conferences.* Members of the Board shall participate in mandatory Board Orientation training where they will become knowledgeable in the process of consensus decision-making and other subjects relevant to their positions.

## Article II. Officers

- 2-1. *Officers.* The Board shall have three (3) Officers: Chairperson, Vice-Chairperson and Secretary.
- 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the Chairperson shall be as follows:
- (a) With the Secretary's assistance, call meetings; develop meeting agendas; and provide notice of meeting agendas, minutes, and documents in accordance with the DAP Law, these bylaws, and the Open Records and Open Meetings law.
  - (b) Preside at all meetings of the Board and facilitate orderly discussions.
  - (c) Receive, review and monitor all correspondence from the Board, present to the Board and sign all correspondence approved by the Board.
  - (d) Submit approved Board meeting minutes, with assistance from the Board Secretary, to the Oneida Business Committee Support Office in accordance with these bylaws and the Boards, Committees and Commissions law.

- (e) With the Secretary's assistance, submit quarterly reports to the Oneida Business Committee, as well as annual and semi-annual reports to the Oneida General Tribal Council, pursuant to the Boards, Committees and Commissions law, and submit any other reports that are required or requested by the DAP Law, Oneida Business Committee or Oneida General Tribal Council.
- (f) Attend, or designate a Board member to attend, the Oneida Business Committee meeting where the Board's quarterly report appears on the agenda.
- (g) Appoint an appeals committee to review requests for reconsideration of funding decisions in accordance with the DAP Law.
- (h) Perform any other duties assigned by a majority vote of the members in attendance at a Board meeting of an established quorum.

2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the Vice-Chairperson of the Board shall be as follows:

- (a) Except for subsection (g), perform the Chairperson's duties under section 2-2 of these bylaws in the absence of the Chairperson.
- (b) Work with the Chairperson in all matters that concern the Board.
- (c) Oversee Board recruitment, Board development and membership terms consistent with the Boards, Committees and Commissions law and the DAP Law.
- (d) Notify the Oneida Business Committee Support Office of Board vacancies in accordance with the Boards, Committees and Commissions law.
- (e) Perform other duties as assigned by a majority vote of the members in attendance at a Board meeting of an established quorum.

2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the Secretary of the Board shall be as follows:

- (a) Assist the Chairperson in calling meetings (regular and emergency); developing meeting agendas; and providing notice of meeting agendas, documentation and minutes, all in accordance with the DAP Law, these bylaws, and the Open Records and Open Meetings law.
- (b) Maintain the minutes, reports and correspondence of the Board, abiding by/ to the decisions of the Board and the Boards, Committees and Commissions law.
- (c) Except for subsection (g), perform the Chairperson's duties under section 2-2 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 as follows:
    - (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 Board 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.
- (d) In accordance with section 2-2 of these bylaws, assist the Chairperson with submitting quarterly reports to the Oneida Business Committee; annual and semi-annual reports to the General Tribal Council; and any other reports required/requested by the DAP Law, Oneida Business Committee or Oneida General Tribal Council.
  - (e) Ensure the Board meeting minutes are recorded in the proper format and approved by the Board before submitting to the Oneida Business Committee Support Office.
  - (f) Assist the Chairperson with the submission of approved Board meeting minutes to the Oneida Business Committee Support Office in accordance with these bylaws and the Boards, Committees and Commissions law.
  - (g) Perform other duties as assigned by majority vote of the members in attendance at a Board meeting of an established quorum.
- 2-5. *Selection of Officers.* The Officers shall serve terms of one (1) year and shall be nominated and appointed by majority vote of the members in attendance at a Board meeting of an established quorum that takes place prior to the beginning of the new fiscal year.
- (a) Terms of office shall run from the beginning of October through September of that same year.
  - (b) No Officer shall serve for more than three (3) consecutive terms or hold more than one (1) Officer position per Officer term.
  - (c) 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.
  - (d) In the event of a vacancy in an Officer position, a successor shall be appointed by majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum for the duration of the unexpired term.
- 2-6. *Subcommittees & Ad Hoc Committees.* Subcommittees and/or ad hoc committees may be created or dissolved at any time by majority vote of the members in attendance at a Board meeting of an established quorum, so long as created/dissolved in accordance with the Boards, Committees and Commissions law.
- (a) Members of subcommittees and ad hoc committees shall not be eligible for stipends unless authorized by the Board and 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) 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, except as follows:

(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The Board shall approve a member's request to travel on its behalf by majority vote of the members present at a regular or emergency Board meeting of an established quorum.

2-8. *Personnel.* The Board shall not have the authority to hire personnel for its benefit.

(a) *Staff Designee.* The Director of the ONAP shall be the Board's Staff Designee.

(1) In the absence of all Board Officers, the Staff Designee shall assume the responsibilities set forth in Article II of these bylaws that relate to documenting, recording and reporting on behalf of the Board.

(2) ONAP staff may be used to provide administrative support, consistent with the Boards, Committees and Commissions law, to the Board when needed.

### Article III. Meetings

3-1. *Regular Meetings.* The regular meetings of the Board shall be held every second Tuesday of the month at the Community Education Center located on Packerland Drive in Green Bay, WI, commencing at 5:30 p.m.

(a) The meeting date, time and location may be reviewed by the Board and changed from time-to-time as deemed necessary 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 Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(2) Regular meetings of the Board may not be held in June, July and December to allow for those months to be dedicated to the Board's volunteer work.

(b) Prior to a scheduled meeting, notice of the meeting location, agenda, and documents shall be forwarded by the Chairperson, with the assistance of the Secretary, in accordance with the DAP Law, these bylaws, and the Open Records and Open Meetings law.

(1) All Board members shall be provided email notification of meeting agendas via the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the Board ("Official Email").

(2) Meeting minutes shall be approved by majority vote of the members in attendance at a Board meeting of an established quorum and then sent to all Board members, via their Official Email addresses, as well as to the Oneida Business Committee Support Office in accordance with these bylaws.

- 276 3-2. *Emergency Meetings.* An emergency meeting may be called to address urgent concerns  
277 that affect the existence of the Board and require action that cannot wait  
278 until the Board's next scheduled meeting.
- 279 (a) The Board shall attempt to use other means for urgent deadline-oriented  
280 approvals, including e-polls, before calling an emergency meeting.
- 281 (b) An emergency meeting may be called by the Chairperson upon at least  
282 twenty-four (24) hours' advance notice to all members of the Board.
- 283 (1) Notice of emergency meetings shall be provided to all Board  
284 members by telephone call and via email communication sent to  
285 their Official Email address.
- 286 (2) Notice of emergency meetings shall further be provided to all Board  
287 members, as well as the public, in accordance with the Open  
288 Records and Open Meetings law.
- 289 (c) Within seventy-two (72) hours of an emergency meeting, the Board shall  
290 provide the Nation's Secretary with notice of the emergency meeting, the  
291 reason for the meeting, and an explanation as to why the matter could not  
292 wait until the next regular meeting.
- 293
- 294 3-3. *Joint Meetings.* There shall be no joint meetings held between the Board and the Oneida  
295 Business Committee.
- 296
- 297 3-4. *Quorum.* A quorum shall consist of no less than three (3) Board members, one (1) of  
298 which shall be the Chairperson, Vice-Chairperson or Secretary; provided,  
299 the Secretary is presiding over the meeting in accordance with section 2-4  
300 (c) of these bylaws.
- 301
- 302 3-5. *Order of Business.* The order of business, as far as applicable, is:
- 303 (a) Welcome
- 304 (b) Old Business
- 305 (c) New Business
- 306 (d) Action
- 307 (e) Minutes (Review ú Approve)
- 308 (f) Adjourn
- 309
- 310 3-6. *Voting.* Decisions of the Board shall be based on a majority vote of its members in  
311 attendance at a Board meeting of an established quorum.
- 312 (a) The Chairperson shall be permitted to participate and vote in the same  
313 manner as any other member of the Board.
- 314 (b) E-polls are permissible so long as conducted in accordance with the Boards,  
315 Committees and Commissions law.
- 316 (1) The Vice-Chairperson shall serve as the Chairperson's designee,  
317 responsible for conducting e-polls in the Chairperson's absence or  
318 discretion.
- 319
- 320
- 321

**Article IV. Expectations**

4-1. *Behavior of Members.* Members of the Board are expected to adhere to all governing laws, resolutions and policies of the Nation, including, but not limited to, the DAP Law; the Boards, Committees and Commissions law; these bylaws and as follows:

(a) That, members of the Board are expected to agree to a Commitment to Serve and annually re-commit to their responsibilities on the Board and to the community.

(b) That, Board members who find themselves unable to carry out the duties and responsibilities of their role and abide by expected behaviors, agree to resign their Board position to avoid enforcement under subsection (1) of this section 4-1.

(1) *Enforcement.* Any Board member found in violation of this section who refuses to voluntarily resign may be subject to the following if agreed upon by majority vote of the members in attendance at a Board meeting of an established quorum:

(A) Board 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.

(B) Disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* Board members are prohibited from engaging in or 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.* The use and/or consumption of alcohol or prohibited drugs by Board members when acting in their official capacity is strictly 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.* Members of the Board shall comply with the Nation's Social Media Policy and their oath of office when using social media on behalf of or as a representative of the Board.

4-5. *Conflict of Interest.* All members of the Board are required to adhere to the Nation's laws and policies governing conflicts of interest.

(a) No member shall apply or accept a position of employment for the Oneida Nation Arts Program while serving as a member of the Board.



**Article V. Stipends and Compensation**

5-1. *Stipends.* Members of the Board serve voluntarily; thus, even if eligible, shall not be allowed to receive stipends under the Boards, Committees and Commissions law or 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.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, there are no other forms of compensation that members are eligible to receive for the 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 the format identified under Article III, section 3-5, of these bylaws as the *Order of Business*.

6-2. *Minutes.* The Board's meeting minutes shall be typed and in a consistent format created by the Oneida Business Committee Support Office to generate the most informative record, to include, but not be limited to, a summary of the action requested/taken by the Board.

(b) Meeting minutes shall be reviewed for accuracy and then approved at the end of each meeting by a majority vote of the members present; provided a quorum is still in existence.

(1) The minutes shall be submitted to the Oneida Business Committee Support Office within seven (7) days of their approval.

6-3. *Attachments.* Handouts, reports, memoranda, and the like shall be attached to their corresponding minutes and agenda, maintained as a Board packet and filed with the Oneida Business Committee Support Office to maintain in accordance with the Open Records and Open Meetings law.

6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the member of the Oneida Business Committee who is its designated liaison.

(a) All official correspondence of the Board, whether produced via email or in writing (i.e. agenda, minutes, recordings, submissions, reports), shall be copied to the liaison, as well as the liaison's administrative support contact.

(b) The Board and liaison shall further communicate when needed, the frequency and method of which 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 the Oneida General Tribal Council.

6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using an available device, supplied by the Oneida Business Committee Support Office or the Board, that can be uploaded to digital file storage.

- (a) Audio recordings shall be submitted to the Oneida Business Committee Support Office to be maintained alongside the Board's meeting minutes in accordance with the Open Records and Open Meetings law.

- (1) *Exception.* Audio recordings of executive session portions of a Board meeting shall not be required.

## **Article VII. Amendments**

7-1. *Amendments.* Amendments to these bylaws shall be made by a majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum; provided, proper notice of the proposed amendments was furnished in accordance with these bylaws at a prior regular meeting.

- (a) 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) Amendments to these bylaws shall be approved by the Oneida Business Committee before implementation.

- (c) These bylaws shall be reviewed no less than on an annual basis.

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Adopted – BC-02-28-96

Amended – BC-06-22-11





## Oneida Nation Arts Board Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P.Jordan	DRAFTER: Kristen M. Hboker	ANALYST: Maureen Rrkins
Complies with Boards, Committees and 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 [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Nation Arts Board (Board) to govern the standard procedures regarding the way the Board conducts its affairs, including: the 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, termination process, required training, and how the bylaws are amended.		
Purpose	The Board was established to assist in the promotion of a community that embraces art as a pathway to sovereignty, where traditional and contemporary arts are woven into the fabric of everyday life and embolden a sense of being. The Board was further established to provide advisory guidance and support to the Oneida Nation Arts Program ("ONAP"), and to oversee the Dollars for Arts Project ("DAP") in accordance with the Oneida Nation Arts Program - Dollars for Arts Project Policies ("DAP Law") [Proposed Bylaws 1-3(a)].		
Legislation Related to these Bylaws	Oneida Nation Constitution, Boards, Committees and Commissions law, Oneida Nation Arts Program – Dollars for Arts Project Policies, Travel and Expense Policy, Conflict of Interest law, Social Media Policy, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	A member of the Board serves at the discretion of the OBC. Upon the recommendation of a member of the OBC or majority vote of the Board [Proposed Bylaws 1-6(b)], 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's bylaws amendments were added to the Active Files List on October 3, 2018, with David  
3 P. Jordan as the sponsor.

Analysis to Proposed Draft

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HANDOUT

- 4 B. The Board was established by the OBC through the adoption of resolution BC-8-4-93-A and duties  
5 were expanded with the Oneida Nation Arts Program - Dollars for Arts Project Policies law ("DAP  
6 Law") by resolution BC-09-13-00.  
7 C. OBC adopted the first set of ONAB bylaws on February 28, 1996, and the bylaws have been most  
8 recently amended on June 22, 2011.  
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

### 13 SECTION 4. AMENDMENTS

14 This section details the changes to the bylaws from the previously adopted bylaws.

#### 15 A. ARTICLE I. AUTHORITY

- 16 a. The number of members was reduced to seven (7) to comply with resolution BC-08-04-  
17 93-A which recognizes a seven (7) member Board [*Proposed Bylaws 1-5(a)*]. The current  
18 bylaws recognize a seven (7) to thirteen (13) member Board [*Current Bylaws 1-4*].  
19 b. The resignation process has changed in accordance with the Boards, Committees and  
20 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:  
21
  - Verbally and accepted by motion at a meeting; or
  - By delivering a written resignation to the Business Committee Support Office  
22 (BCSO) and the Board's Chairperson or Chairperson's designee [*Proposed*  
23 *Bylaws 1-5(b)(2)(B)*].  
24 c. New qualifications were added [*Proposed Bylaws 1-5(d)*]:  
25
  - At least eighteen (18) years of age; and
  - Have an interest and/or experience in the arts, marketing, business,  
26 government, or nonprofit management; and  
27 d. A provision was removed that vacancies of less than one year will be filled for the  
28 remainder of the term plus a new term [*Current Bylaws 1-4(e)*].  
29 e. A provision was added defining an unexcused absence as failure to notify a Board Officer,  
30 in writing, of his or her pending absence no less than thirty (30) minutes before the  
31 scheduled meeting [*Proposed Bylaws 1-6(a)(1)(A)*].  
32 f. A process was added requiring that any recommendations for termination of appointment  
33 must be determined by a majority vote at a Board meeting with an established quorum  
34 [*Proposed Bylaws 1-6(b)*].  
35 g. A Trainings and Conferences section was added which includes required training  
36 [*Proposed Bylaws 1-7*]. This complies with the Boards, Committees and Commissions law  
37 [*1 O.C. 105.10-3(7)*].  
38  
39  
40

#### 41 B. ARTICLE II. OFFICERS

- 42 a. Chairperson. The following were added to the duties of the Chairperson:  
43
  - Receive, review and monitor all correspondence, present to the Board and sign  
44 all correspondence approved by the Board. This duty was moved from the  
45 Secretary position in the current bylaws to the Chairperson in the proposed  
46 bylaws [*Proposed Bylaws 2-2(c)*] and [*Current Bylaws 2-4*].  
47
  - With the assistance of the Board Secretary; develop meeting agendas and  
48 provide notice of meeting agendas, minutes and documents. Submit quarterly  
49 reports to the OBC and semi-annual reports to the GTC, and any other reports  
50 requested by the OBC, GTC and DAP Law [*Proposed Bylaws 2-2(e)*].



## C. ARTICLE III. MEETINGS

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
<u>Standing Regular Meetings</u> <ul style="list-style-type: none"> <li>• Summer Quarter</li> <li>• Fall Quarter</li> <li>• Winter Quarter</li> <li>• Spring Quarter</li> </ul>	<u>Regular Meetings</u> <ul style="list-style-type: none"> <li>• Regularly Scheduled – Once Monthly <ul style="list-style-type: none"> <li>○ May not be held in June, July and December.</li> </ul> </li> </ul>
<u>Emergency or Special Meetings</u> <ul style="list-style-type: none"> <li>• Called by Chairperson with three (3) day notice.</li> <li>• By consensus of membership, the three (3) day notice may be waived.</li> </ul>	<u>Emergency Meetings</u> <ul style="list-style-type: none"> <li>• Called by the Chairperson with at least twenty-four (24) hours' advance notice in writing by Official email and by telephone call.</li> </ul>
	<u>Special Meetings</u> <ul style="list-style-type: none"> <li>• Removed.</li> </ul>

- a. The regular meeting schedule has changed from quarterly to monthly [*Proposed Bylaws 3-1*] and [*Current Bylaws 3-1*]. Meetings will be noticed, and documents sent to the Board via Official email [*Proposed Bylaws 3-3(b)(1)*]. Meeting minutes will be approved by majority vote and sent to all Board members, via their Official email address, as well as the BCSO [*Proposed Bylaws 3-3(b)(2)*].
- b. Special meetings were removed [*Current Bylaws 3-2*].
- c. A provision was removed that allowed the Board to waive the three (3) day written notice for emergency meetings by consensus [*Current Bylaws 3-2*]. A provision requiring the twenty-four (24) hour notice of emergency meetings by Official email and telephone call was added [*Proposed Bylaws 3-2(b)(1)*] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.14-3].
- d. A provision was added per the Boards, Committees and Commissions law that the 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(c)*] and [1 O.C. 105.10-3(c)(2)(A)].
- e. The quorum was changed to three (3) members with one the Chairperson or Vice-Chairperson or Secretary when a meeting is held to elect a Chairperson or Vice-Chairperson in accordance with section 2-4(c) of these bylaws [*Proposed Bylaws 3-4*]. Previously, there was a requirement of five (5) members or simple majority or whichever is greater, with one being the Chairperson or Vice-Chairperson [*Current Bylaws 3-3*].
- f. Decisions of the Board will now be based on a majority vote and the Chairperson is permitted to vote [*Proposed Bylaws 3-6*]. Previously, decisions were made by consensus [*Current Bylaws 3-5*].
- g. E-polls were added as an acceptable form of voting and will be conducted by the Chairperson or the Vice-Chairperson in the Chairperson's absence or discretion, and 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 [*Proposed Bylaws 4-1*]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(1)].
- b. Board members who are not able to fulfill their responsibilities are expected to agree to resign. Members who refuse to resign may be encouraged to resign by a majority vote of the Board [*Proposed Bylaws 4-1(b)*]. Enforcement of expectations includes [*Proposed Bylaws 4-1(b)(1)*]:

- The Board may decide to submit a recommendation of termination of appointment to the OBC for consideration [1 O.C. 105.6-2(c)]. This decision requires a majority vote at a meeting with an established quorum; and
  - The Board may commence an action governing sanctions or penalties according to the laws of the Nation.
- c. The bylaws include a provision that prohibits intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional or bodily harm or damage to property [Proposed Bylaws 4-2]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(2)].
- d. Drug and alcohol use by a Board member when acting in an official capacity is prohibited [Proposed Bylaws 4-3]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(3)]. The list of prohibited drugs in the proposed bylaws is the same list that appears in the Boards, Committees and Commissions law [1 O.C. 105.3-1(n)].
- e. The bylaws require Board members to follow the Nation's Social Media Policy and their Oath of Office when using social media on behalf of or as a representative of the Board [Proposed Bylaws 4-4]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(4)].
- f. The bylaws require the Board 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 of conflicts of interest annually [Proposed Bylaws 4-5]. No member shall apply or accept a position of employment for the Oneida Nation Arts Program while serving as a member of the Board [Proposed Bylaws 4-5(a)].

#### E. ARTICLE V. STIPENDS AND COMPENSATION

- a. Membership on the Board is voluntary and despite eligibility; the Board does not collect any stipends [Proposed Bylaws 5-1].
- b. Board members are only eligible for travel, per diem and business expense reimbursement [Proposed Bylaws 5-2] 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].

#### F. ARTICLE VI. RECORDS AND REPORTING

- a. The Boards, Committees and Commissions law established additional requirements related to records and reporting [1 O.C. 105.10-3(f)].
- Minutes shall be typed in a consistent format created by the BCSO and approved by majority vote of the Board at a meeting with an established quorum and submitted to the BCSO within seven (7) days of approval [Proposed Bylaws 6-2].
  - Attachments will be attached to the agenda and minutes to create a board packet that will be submitted to and maintained by the BCSO in accordance with the Open Records and Open Meetings law [1 O.C. 107.7-2] [Proposed Bylaws 6-3]. This meets requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(3)].
  - The Board will regularly communicate with the OBC liaison and liaison's administrative support contact as agreed upon and copy the OBC liaison and liaison's administrative contact with all official correspondence [Proposed Bylaws 6-4] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(4)].
  - Meetings will be audio recorded and submitted to BCSO for maintenance. Executive sessions will not be 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. Amendments will require a majority vote of the members in attendance at a regular or emergency meeting of the Board with proper notice and a meeting quorum. Amendments will conform to requirements in the Boards, Committees and Commissions law. Amendments will be reviewed 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 that establish duties and requirements of the 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 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 Board is appointed by the Oneida Business Committee [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. Oneida Nation Arts Program – Dollars for Arts Project Policies [1 O.C. 128]. This law establishes guidelines for the Nation's Dollars for Arts Project which is regranted funds from the Wisconsin State Arts Board. The law establishes the following requirements for the Board: approve the peer panel to make formal decisions about grant applications, identify and adopt application review criteria prior to funding cycle, approve panelists prior to granting cycle, one Board member is a non-voting member of the peer panel and chair's and facilitates the meeting, determine funding awards based on panel's decision and the Board Chair will appoint an appeals committee. The proposed bylaws comply and there are no conflicts with the Oneida Nation Arts Program – Dollars for Arts Project Policies.
- D. 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 with Board approval. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement [Proposed Bylaws 2-7(a)(1)(A)]. All travel must be authorized by two (2) Officers [Proposed Bylaws 2-7(a)] 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)]. Additionally; all travel requests must be approved by a majority vote of the Board at a regular or emergency Board meeting with an established quorum [Proposed Bylaws 2-7(b)]. The proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.

- 240 E. Conflict of Interest [2 O.C. 217]. This law applies to the Board and establishes specific limitations  
241 to which information or materials that are confidential or may be used by a competitor of the  
242 Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards,  
243 Committees and Commissions law establishes that amended bylaws require members to disclose  
244 potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The Board bylaws require  
245 the Board to follow all Conflict of Interest laws of the Nation [Proposed Bylaws 4-5]. Additionally;  
246 no member of the Board may apply or accept a position at the ONAP while serving as a member  
247 of the Board [Proposed Bylaws 4-5(a)]. This aligns with the Conflict of Interest law of the Nation  
248 which allows for entities to outline further conflicts and prohibited activities resulting from those  
249 conflicts of interest [2 O.C. 217.7-2]. Penalties for failure to disclose conflicts of interest include  
250 termination of appointment in accordance with the Boards, Committees and Commissions law and  
251 enforcement of any penalties in accordance with the laws of the Nation [2 O.C. 217.6-2 and 6-3].  
252 The proposed bylaws comply and there are no conflicts with the Conflict of Interest law.  
253
- 254 F. Social Media Policy [2 O.C. 218]. This law applies to the Board and regulates the Nation's social  
255 media accounts, including how content is managed and who has authority to post on social media  
256 on behalf of the Nation. Boards, committees and commissions must register social media accounts  
257 with the Nation's Secretary's Office to include specific information related to access to the account,  
258 acknowledgment and compliance with the Computer Resources Ordinance [2 O.C. 215.8] and this  
259 policy, use a Nation issued email address, and ensure all content complies with all applicable laws  
260 of the Nation, state or federal laws.
- 261 a. The bylaws identify that the Board must comply with the Social Media Policy and their  
262 Oath of Office when using social media on behalf of or as a representative of the Board  
263 [Proposed Bylaws 4-4] in accordance with the Boards, Committees and Commissions law  
264 [1 O.C. 105.10-3(d)(4)] and must sign an acknowledgement form indicating notice of  
265 applicable computer and media related laws, policies and rules [1 O.C. 105.14-3(b)].
- 266 b. The bylaws comply and there are no conflicts with the Social Media Policy.  
267
- 268 G. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained  
269 and made available to the public and that meetings are open to the public unless specific criteria  
270 are met which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of  
271 meetings is also required by this law [1 O.C. 107.15-1]. The proposed bylaws state that the  
272 Chairperson, with the assistance of the Secretary, is responsible to ensure notice of meeting  
273 location, agenda, documents and minutes are prepared and packaged for Board members as well as  
274 the public and that meetings are open to the public in accordance with this law [Proposed Bylaws  
275 3-1(b)]. The bylaws delegate the maintenance of the records to the BCSO [Proposed Bylaws 6-3].  
276 The proposed bylaws comply and there are no conflicts with the Open Records and Open Meetings  
277 law.  
278
- 279 H. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The Board is considered an  
280 entity [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)]  
281 under this law and are authorized to travel in the Nation's vehicles. The law requires the Human  
282 Resources Department or designee to ensure drivers, including Board members, are certified to  
283 drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires Board  
284 members (officials) to have written consent from the Board prior to being approved to use a Tribal  
285 vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources Department  
286 with the appropriate license, training certifications, and insurance information [2 O.C. 210.8-1].  
287 Additionally, Board members must abide by all reporting requirements in this law [2 O.C. 210.9-  
288 2].
- 289 a. Board members who violate this law may be subject to:



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HANDOUT

- 290 i. any laws regarding sanctions or penalties; and
- 291 ii. termination of appointment following the Boards, Committees and Commissions
- 292 law [1 O.C. 105].
- 293

## ONEIDA NATION ARTS BOARD BY-LAWS

### Article I. Authority

1-1. *Name.* The name of this entity shall be the Oneida Nation Arts Board, hereinafter referred to as "Board."

1-2. *Authority.* This entity is recognized by authority of the Oneida Business Committee by the adoption of these bylaws on February 28, 1996.

1-3. *Office.* The official mailing address of the Board shall be:

Oneida Nation Arts Board  
PO Box 365  
Oneida, WI 54155

The physical meeting place shall be determined at the first meeting of the Board and may change from time to time as determined by the Board but shall be within the Reservation boundaries unless notified to the membership prior to designating the meeting location.

1-4. *Membership.*

(a) *Number of Members.* The Board shall consist of a minimum of seven (7) members and a maximum of thirteen (13) members appointed by the Oneida Business Committee.

(b) *Qualifications.* A majority of the members shall be enrolled members of the Oneida Tribe.

(1) Any vacancies which cause non-Tribal members to make up the majority of the Board shall be filled within three (3) months. If such vacancies are not filled within three (3) months, a sufficient number of non-Tribal Board members shall be re-designated as alternates until Tribal members again make up a majority of the Board.

(2) When non-Tribal Board members are to be re-designated as alternates, all such non-Tribal members shall first be invited to volunteer to serve as an alternate. If there are not sufficient volunteers, then the members that have served the shortest time on the Board shall be selected first.

(c) *How Appointed.* The Board members shall be appointed in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. Existing Board members may recruit new members and, by consensus of the Board, make recommendations to the Oneida Business Committee for appointees.

(d) *Term of Office.* Members shall serve a three (3) year term. The maximum amount of time a member may serve consecutively shall be three (3) terms. Members shall remain in office until:

- (1) their successors have been sworn in by the Oneida Business Committee; or
- (2) they have submitted their resignation to the Board; or
- (3) their appointment has been terminated.

(e) *How Vacancies are Filled.* Any vacancies for any reason on the Board shall be filled for the remainder of the term through the appointment process, in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. Members filling vacancies shall not have that considered in regards to the number of terms a member is able to hold consecutively. Vacancies of less than one (1) year shall be filled for the remainder of the term and for a new three (3) year term. Vacancies with greater than one (1) year remaining of the term shall be filled for the remainder of the term.

(f) *Unexcused Absences and Resignation.* Three (3) unexcused absences of a member may result in a member's appointment being terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. A member who misses two (2) consecutive meetings shall be forwarded a reminder of the meeting dates by the Secretary. Resignations shall be in writing and presented to the Board.

(g) *Board Orientation.* Once a Board member has been sworn in by the Oneida Business Committee, the Board is responsible for providing the new member's orientation.

(h) *Voluntary Position.* Members of the Board are voluntary. No stipend shall be provided.

**Article II. Officers and Personnel**

2-1. *Officers.* The Board shall have three officers - Chairperson, Vice Chairperson, and Secretary.

2-2. *Chairperson Duties.* The Chairperson is responsible for calling meetings and notifying members with the assistance of the Secretary. The Chairperson shall preside over all regular and special meetings, and may appoint subcommittees at his or her discretion.

2-3. *Vice Chairperson Duties.* The Vice Chairperson shall preside at all meetings in the absence of the Chairperson and appoint a Vice Chairperson for that meeting. The Vice Chairperson shall work with the Chairperson in all matters that concern the Board. The Vice Chairperson shall also be responsible for overseeing Board recruitment, Board development and membership terms. The Vice Chairperson shall maintain contact with the Secretary of the Oneida Business Committee regarding membership terms and vacancies.

2-4. *Secretary Duties.* The Secretary shall keep accurate minutes of all meetings, both regular and special. The Secretary shall assure that minutes are reported in the proper format and read and answer all correspondence, abiding by/to the decisions of the Board.

2-5. *How Chosen and Length of Term.* The officers shall serve terms of one (1) year and shall be elected by consensus at the summer quarter meeting of each year. Terms of office run from the beginning of October. No officer shall serve for more than three (3) consecutive terms. In the event of a vacancy, the successor shall be appointed by the Board for the duration of the unexpired term. Successors filling vacancies shall not have that considered in regards to the number of terms an officer is able to hold consecutively.

2-6. *Personnel.* The Board does not have the authority to hire personnel for the benefit of the entity.

2-7. *Standing Committees.* Standing committees may be created by the Board from time to time as special conditions necessitate such action. A consensus of members present at a legally constituted meeting shall be required to create a special committee. When so created, such committees shall be appointed by the Chairman and shall be terminated upon completion of their assignment, which ordinarily shall result in a written report to the Board. Should a committee be established which for whatever reason is no longer meeting a valid need or goal of the Board; it may be terminated by consensus of the Board at any time.

**Article III. Meetings**

3-1. *Regular Meetings.* The regular meetings of the Board shall be established for the fiscal year by the Chairperson or consensus of the members. Notice of meeting location, agenda, and materials shall be forwarded by the Chairperson with the assistance of the Secretary and Oneida Nation Arts Program (ONAP) staff. Meetings shall be run in accordance with the consensus of the membership. There shall be the following standing meetings:

- (a) Summer Quarter - for the purpose of electing officers.
- (b) Fall Quarter - for the purpose of review and recommendation of the DAP grants.
- (c) Winter Quarter - for the purpose of evaluating programs and reviewing the strategic plan and ONAP budget.
- (d) Spring Quarter - for the purpose of Board development, recruitment and projects initiated by the Board.

3-2. *Emergency or Special Meetings.* Emergency or special meetings may be called by the Chairperson with at least three (3) days written notice. By consensus of the membership, the three (3) day written notice may be waived.

3-3. *Quorum.* A quorum shall consist of five (5) members or a simple majority based on the current board membership, whichever is greater. The quorum shall include either the Chairperson or the 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) Reading of the Minutes

- (c) Correspondence
- (d) Standing and Special Committee Reports
  - (1) ONAP Director's Report
  - (2) ONAP Budgetary Report
- (e) Old Business
- (f) New Business

3-5. *Voting.* Board decisions and actions shall be made by consensus. A formally proposed motion, second to a motion and vote on such motion with a minimum percentage for approval is not required. Issues shall be discussed until a proposal is made. Once a proposal is made, all members present state their level of agreement or concern with the proposal. After any concerns are identified, the Board shall address the concerns and the proposal shall be modified until the Board reaches a satisfactory agreement with all members present.

#### **Article IV. Reporting**

4-1. *Reporting.* The Board Chairperson shall submit reports to the Tribal Secretary on a quarterly basis. This reporting format may not be less than as required in any policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.

4-2. *Format.* Agenda items shall be in an identified format.

4-3. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board. Minutes shall be forwarded to the Tribal Secretary's office within a reasonable time after approval by the Board.

4-4. *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.

4-5. *Annual Report.* The Board shall develop and submit its Annual Report to the Tribal Secretary's Office for forwarding to the Oneida General Tribal Council. The Annual Report shall include the Board's goals, activities, and outcomes, within the format provided by the Tribal Secretary's Office. The Annual Report shall also contain the Board's financial statements summarizing any financial activities of the Board including fund raising efforts, expenditures or in-kind contributions.

#### **Article V. Amendments**

5-1. *Amendments to By-laws.* Amendments shall be made to these by-laws at a regular meeting or an emergency meeting of the Board provided that written notice of proposed amendments was made at a prior regular meeting. Amendments are effective upon adoption of the Board and approval by the Oneida Business Committee.

#### **Article VI. Purpose**

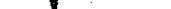
6-1. *Purpose.* It shall be the purpose of the Board to provide guidance to the ONAP and to perform the responsibilities granted to the Board under the Dollars for Arts Program policy. Provided that, the guidelines and directions given in this Article are to set forth standards and goals, and may be interpreted in the broadest possible manner to include all manners of art and artistic projects. Specific responsibilities include, but are not limited to the following:

- (a) Work with the ONAP Director and staff in an advisory capacity on issues related to the arts in Oneida, and
- (b) Strive to provide guidance and recommendations in the development of the ONAP and arts programs throughout the community, and
- (c) Work with ONAP in determining and monitoring program outcomes, and
- (d) Receive reports of the ONAP activities from ONAP staff, and
- (e) Work with the ONAP Director in evaluating the ONAP, and
- (f) Approve policies and programs for the overall coordination and administration of the ONAP.

6-2. *Community Involvement.* The Board shall strive to provide the opportunity for people to explore and

6-5. *Public Art.* The Board shall periodically review lists of art assets owned by the Tribe, noting pieces that have potential of increasing in value and shall provide regular reports to the Oneida Business Committee, Cultural Heritage Historian, and Accounting.

These by-laws are hereby attested to as adopted by the Arts Board at a duly called meeting by the Chairperson's signature on this 22 day of June, 2011. And approved by the Oneida Business Committee at a duly called meeting held on this 8th day of JUNE, 2011 by the Secretary of the Oneida Business Committee's signature.

  
Oneida Nation Arts Board Chairperson

Patricia Hoyer  
Oneida Tribal Secretary

**ONEIDA NATION ARTS BOARD ~~BY LAWS~~ BYLAWS****Article I. -Authority**

**1-1.** ~~1-1.~~ *Name.* - \_\_\_\_\_ The name of this entity shall be the Oneida Nation Arts Board, ~~and~~ may \_\_\_\_\_ hereinafter be referred to as "the Board."  
~~1-2. Authority. This entity is recognized by authority of the Oneida Business Committee by the adoption of these bylaws on February 28, 1996.~~

**1-2.** *Establishment.* The Oneida Nation Arts Board was established by the Oneida Business Committee through adoption of resolution BC-8-4-93-A and expanded upon by the Oneida Nation Arts Program – Dollars for Art Project Policies law ("DAP Law"), adopted under resolution BC-09-13-00-C, as the entity delegated authority to oversee and administer the Oneida Nation Arts Program - Dollars for Arts Project.

**1-3. *Authority.***

(a) *Purpose.* The Board was established to assist in the promotion of a community that embraces art as a pathway to sovereignty, where traditional and contemporary arts are woven into the fabric of everyday life and embolden a sense of belonging. The Board was further established to provide advisory guidance and support to the Oneida Nation Arts Program ("ONAP"), and to oversee the Dollars for Arts Project ("DAP") in accordance with the DAP Law.

(b) *Powers and Duties.* The powers and duties that have been delegated to the Board include, but are not limited to, the following:

**(1) *Advisory.***

(A) Advise and guide an impactful Oneida Nation Art Program;  
and

(B) Serve as a sounding board and feedback loop to the ONAP Director for matters related to the arts in the Oneida Nation.

**(2) *Advocacy.***

(A) Participate in the arts through teaching, learning, sharing and outreach;

(B) Support artists in the community through support of and participation in programs, events, arts groups and activities;  
and

(C) Report ONAP/DAP/Board activities and impact to the Oneida Business Committee.

**(3) *Evaluation.***

(A) Evaluate the ONAP by request of the ONAP Director; and

(B) Provide support for determining impactful measures of ONAP/DAP success.

**(4) *Fiscal.***

(A) Approve policies and procedures for the overall coordination and administration of regranting;

(B) Review and evaluate regrating annually;

(C) Allocate DAP funds annually; and

(D) Approve Fiscal Sponsorships.

(5) Carry out all additional powers/duties delegated to the Board through the DAP Law; Boards, Committees and Commissions law; and any other governing laws, policies, rules and/or resolutions of the Nation.

1-4. ~~1-3. Office.~~ The official mailing address of the Board shall be:

Oneida Nation Arts Board

~~P.O.~~ ~~P.O.~~ Box 365

Oneida, WI 54155

The physical meeting place shall be determined at the first meeting of the Board and may change from time to time as determined by the Board but shall be within the Reservation boundaries unless notified to the membership prior to designating the meeting location.

~~1-4. Membership.~~

1-5. ~~Membership.~~ The members of the Board shall be its Directors and there are no members who are not directors.

(a) ~~Number of Members.~~ -The Board shall consist of a minimum of seven (7) members and a maximum of thirteen (13) members appointed by the Oneida Business Committee.

(b) ~~Qualifications.~~ A majority of the members shall be enrolled members of the Oneida Tribe.

(1) Any vacancies which cause non-Tribal members to make up the majority of the Board shall be filled within three (3) months. If such vacancies are not filled within three (3) months, a sufficient number of non-Tribal Board members shall be re-designated as alternates until Tribal members again make up a majority of the Board.

(2) When non-Tribal Board members are to be re-designated as alternates, all such non-Tribal members shall first be invited to volunteer to serve as an alternate. If there are not sufficient volunteers, then the members that have served the shortest time on the Board shall be selected first.

(c) ~~How Appointed.~~ The ~~Members.~~ Members of the Board ~~members~~ shall be appointed by the Oneida Business Committee in accordance with the Comprehensive Policy Governing Boards, Committees

and Commissions. Existing Board members may recruit new members and, by consensus of the Board, make recommendations to the Oneida Business Committee for appointees.



~~(d) Term of Office. Members shall serve a three (3) year term. The maximum amount of time a member may serve consecutively shall be three (3) law for three (3) year terms. Members shall remain in office until:~~

~~(1) their successors have been \_\_\_\_\_ (1) Term Limits. Members of the Board shall serve no more than three \_\_\_\_\_ (3) consecutive three (3) year terms.~~

~~\_\_\_\_\_ (2) Board members shall remain in office until:~~

~~\_\_\_\_\_ (A) End of Term. A vacancy is effective as of 4:30 p.m. on the last day of the month in which a member's term ends.~~

~~\_\_\_\_\_ (i) 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; or,~~

~~(2) they have submitted their resignation to the Board; or~~

~~(3) their appointment has been terminated.~~

~~(e) How \_\_\_\_\_ (B) Resignation. A member may resign at any time verbally \_\_\_\_\_ during a Board 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:~~

~~\_\_\_\_\_ (i) Deliverance of the written notice to the Oneida Business Committee Support Office and to the Board Chairperson or Chairperson's designee; or~~

~~\_\_\_\_\_ (ii) Acceptance by Board motion of the member's verbal resignation.~~

~~\_\_\_\_\_ (C) Termination. Termination of a member's appointment shall be in accordance with the Boards, Committees and Commissions law.~~

~~(c) Vacancies are Filled. Any vacancies. Vacancies for any reason on the Board shall be filled for the \_\_\_\_\_ remainder of the term through the appointment process, in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. Members filling vacancies shall not have that considered in regards to the number of terms a member is able to hold consecutively. Vacancies of less than one (1) year shall be filled for the remainder of the term and for a new three (3) year term. Vacancies with greater than one (1) year remaining of the term shall be filled for the remainder of the term.~~

~~(f) Unexcused Absences and Resignation. Three (3) unexcused absences of a member may result in a member's appointment being terminated by the Oneida Business Committee in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. A member who misses two (2) consecutive meetings shall be forwarded a reminder of the meeting dates by the Secretary. Resignations shall be in writing and presented to the Board. \_\_\_\_\_ law.~~

- (1) The Board Chairperson shall provide the Oneida Business Committee with recommendations, by majority vote of the members in attendance at a Board meeting of an established quorum, on applicants for appointment by the executive session in which the appointment is intended to be made.
- (d) *Qualifications.* Board members shall meet the following qualifications:
- (1) A majority shall be enrolled members of the Oneida Nation;
  - (2) Be at least eighteen (18) years of age;
  - (3) Have an interest and/or experience in the arts, marketing, business, government or nonprofit management; and
  - (4) Shall not be an employee of the ONAP as of the date of application for Board membership.
- 1-6. *Termination.* Termination of a member's appointment shall be carried out 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 a recommendation to the Oneida Business Committee for the termination of a member's appointment based on the following:
- (1) The member accrues three (3) unexcused absences from Board meetings within a one (1) year period; and/or
  - (A) A Board member shall be deemed unexcused if he or she fails to provide written notice of the absence to a Board Officer at least thirty (30) minutes before the start of the missed meeting.
  - (2) The member violates any section of these bylaws and/or any governing laws of the Nation.
- (b) Recommendations to the Oneida Business Committee for termination of a member's appointment shall be determined by a majority vote of the members in attendance at a Board meeting of an established quorum.
- 1-7. *Trainings and Conferences.* Members of the Board shall participate in mandatory Board Orientation training where they will become knowledgeable in the process of consensus decision-making and other subjects relevant to their positions.

## Article II. Officers

~~2-1. (g) Board Orientation. Once a Board member has been sworn in by the Oneida Business Committee, the Board is responsible for providing the new member's orientation.~~

~~(h) Voluntary Position. Members of the Board are voluntary. No stipend shall be provided.~~

## ~~Article II. Officers and Personnel~~

~~2-1. \_\_\_\_\_ Officers. - \_\_\_\_\_~~ The Board shall have three ~~officers~~ (3) Officers: Chairperson, Vice Chairperson, and Secretary.

~~2-2.~~ ~~Chairperson Duties.~~ ~~The Chairperson is responsible for calling meetings and notifying members with the assistance of the Secretary. The Chairperson shall preside over all regular and special meetings, and may appoint subcommittees at his or her discretion.~~ and Secretary.

2-2. Responsibilities of the Chairperson. The responsibilities, duties and limitations of the Chairperson shall be as follows:

- (a) With the Secretary's assistance, call meetings; develop meeting agendas; and provide notice of meeting agendas, minutes, and documents in accordance with the DAP Law, these bylaws, and the Open Records and Open Meetings law.
- (b) Preside at all meetings of the Board and facilitate orderly discussions.
- (c) Receive, review and monitor all correspondence from the Board, present to the Board and sign all correspondence approved by the Board.
- (d) Submit approved Board meeting minutes, with assistance from the Board Secretary, to the Oneida Business Committee Support Office in accordance with these bylaws and the Boards, Committees and Commissions law.
- (e) With the Secretary's assistance, submit quarterly reports to the Oneida Business Committee, as well as annual and semi-annual reports to the Oneida General Tribal Council, pursuant to the Boards, Committees and Commissions law, and submit any other reports that are required or requested by the DAP Law, Oneida Business Committee or Oneida General Tribal Council..
- (f) Attend, or designate a Board member to attend, the Oneida Business Committee meeting where the Board's quarterly report appears on the agenda.
- (g) Appoint an appeals committee to review requests for reconsideration of funding decisions in accordance with the DAP Law.
- (h) Perform any other duties assigned by a majority vote of the members in attendance at a Board meeting of an established quorum.

~~2-3.~~ ~~Responsibilities of the Vice Chairperson Duties.~~ ~~The Vice Chairperson shall preside at all meetings in the absence of the Chairperson. The responsibilities, duties and appoint a limitations of the Vice Chairperson for that meeting. The Vice of the Board shall be as follows:~~

- (a) Except for subsection (g), perform the Chairperson's duties under section 2-2 of these bylaws in the absence of the Chairperson. ~~shall work.~~
- (b) Work ~~with the Chairperson in all matters that concern the Board. The Vice Chairperson shall also be responsible for overseeing~~
- (c) Oversee ~~Board recruitment, Board development and membership terms. The Vice Chairperson shall maintain contact with the Secretary of the Oneida Business Committee regarding membership terms and vacancies~~ consistent with the Boards, Committees and Commissions law and the DAP Law.
- (d) Notify the Oneida Business Committee Support Office of Board vacancies in accordance with the Boards, Committees and Commissions law.
- (e) Perform other duties as assigned by a majority vote of the members in attendance at a Board meeting of an established quorum.

~~2-4. Responsibilities of the~~ ~~2-4. Secretary Duties.~~ The responsibilities, duties and limitations of the Secretary of the Board shall keep accurate minutes of all be as follows:

(a) Assist the Chairperson in calling meetings, both (regular and special. The Secretary shall assure that minutes are reported in the proper format and read and answer all emergency); developing meeting agendas; and providing notice of meeting agendas,

documentation and minutes, all in accordance with the DAP Law, these bylaws, and the Open Records and Open Meetings law.

(b) Maintain the minutes, reports and correspondence of the Board, abiding by/to the decisions of the Board, and the Boards, Committees and Commissions law.

(c) Except for subsection (g), perform the Chairperson's duties under section 2-2 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 as follows:

(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 Board 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.

(d) In accordance with section 2-2 of these bylaws, assist the Chairperson with submitting quarterly reports to the Oneida Business Committee; annual and semi-annual reports to the General Tribal Council; and any other reports required/requested by the DAP Law, Oneida Business Committee or Oneida General Tribal Council.

(e) Ensure the Board meeting minutes are recorded in the proper format and approved by the Board before submitting to the Oneida Business Committee Support Office.

(f) Assist the Chairperson with the submission of approved Board meeting minutes to the Oneida Business Committee Support Office in accordance with these bylaws and the Boards, Committees and Commissions law.

(g) Perform other duties as assigned by majority vote of the members in attendance at a Board meeting of an established quorum.

~~2-5. How Chosen and Length~~ Selection of Term Officers. The ~~officers~~ Officers shall serve terms of one (1) year and shall be elected by consensus at the summer quarter meeting of each year. nominated and appointed by majority vote of the members in attendance at a Board meeting of an established quorum that takes place prior to the beginning of the new fiscal year.

(a) Terms of office shall run from the beginning of October through September of that same year.

(b) No ~~officer~~Officer shall serve for more than three (3) consecutive terms.~~In the event of a vacancy, the successor shall be appointed by the Board for the duration of the unexpired term. Successors filling vacancies shall not have that considered in regards to the number of terms an officer is able to hold consecutively.~~ or hold more than one (1) Officer position per Officer term.

~~2-6. Personnel. The Board does—~~ (c) 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.

(d) In the event of a vacancy in an Officer position, a successor shall be appointed by majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum for the duration of the unexpired term.

2-6. Subcommittees & Ad Hoc Committees. Subcommittees and/or ad hoc committees may be created or dissolved at any time by majority vote of the members in attendance at a Board meeting of an established quorum, so long as created/dissolved in accordance with the Boards, Committees and Commissions law.

(a) Members of subcommittees and ad hoc committees shall not be eligible for stipends unless authorized by the Board and 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) 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, except as follows:  
(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The Board shall approve a member's request to travel on its behalf by majority vote of the members present at a regular or emergency Board meeting of an established quorum.

2-8. Personnel. The Board shall not have the authority to hire personnel for ~~the~~its benefit ~~of the entity.~~

~~2-7. Standing Committees.~~ Standing committees may be created by the Board from time to time as special conditions necessitate such action. A consensus of members present at a legally constituted meeting shall be required to create a special committee. When so created, such committees shall be appointed by the Chairman and shall be terminated upon completion of their assignment, which ordinarily shall result in a written report to the Board. Should a committee be established which for whatever reason is no longer meeting a valid need or goal of the Board; it may be terminated by consensus of the Board at any time.

(a) *Staff Designee.* The Director of the ONAP shall be the Board's Staff Designee.

(1) In the absence of all Board Officers, the Staff Designee shall assume the responsibilities set forth in Article II of these bylaws that relate to documenting, recording and reporting on behalf of the Board.

(2) ONAP staff may be used to provide administrative support, consistent with the Boards, Committees and Commissions law, to the Board when needed.

### Article III. Meetings

3-1. *Regular Meetings.* The regular meetings of the Board shall be ~~established for the fiscal year by the Chairperson or consensus of the members. Notice of meeting location, agenda, and materials held every second Tuesday~~ of the month at the Community Education Center located on Packerland Drive in Green Bay, WI, commencing at 5:30 p.m.

(a) The meeting date, time and location may be reviewed by the Board and changed from time-to-time as deemed necessary 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 Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(2) Regular meetings of the Board may not be held in June, July and December to allow for those months to be dedicated to the Board's volunteer work.

(b) Prior to a scheduled meeting, notice of the meeting location, agenda, and documents shall be forwarded by the Chairperson, with the assistance of the Secretary ~~and Oneida Nation Arts Program (ONAP) staff. Meetings shall be run,~~ in accordance with the ~~consensus of DAP Law, these bylaws, and the membership. There shall be the following standing meetings:~~ Open Records and Open Meetings law.

~~(a) Summer Quarter for the purpose of electing officers.~~

~~(b) Fall Quarter for the purpose of review and recommendation of the DAP grants.~~

~~(c) Winter Quarter for the purpose of evaluating programs and reviewing the strategic plan and ONAP budget.~~

~~(d) Spring Quarter for the purpose of Board development, recruitment and projects initiated by the Board.~~

(1) All Board members shall be provided email notification of meeting agendas via the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the Board ("Official Email").

(2) Meeting minutes shall be approved by majority vote of the members in attendance at a Board meeting of an established quorum and then sent to all Board members, via their Official Email addresses, as well



as to the Oneida Business Committee Support Office in accordance  
with these bylaws.

~~3-2.- Emergency or Special Meetings.~~ ~~Emergency or special meetings~~ An emergency meeting may  
be called to address urgent concerns that affect the  
existence of the Board and require action that cannot wait  
until the Board's next scheduled meeting.

(a) The Board shall attempt to use other means for urgent deadline-oriented  
approvals, including e-polls, before calling an emergency meeting.

(b) An emergency meeting may be called by the Chairperson ~~with~~upon at least  
~~three (3) days written~~ twenty-four (24) hours'  
advance notice. ~~By consensus to all members of the membership,~~Board.

(1) Notice of emergency meetings shall be provided to all Board  
members by telephone call and via email communication sent to  
their Official Email address.

(2) Notice of emergency meetings shall further be provided to all Board  
members, as well as the ~~three~~(public, in accordance with the Open  
Records and Open Meetings law.

(c) Within seventy-two (72) hours of an emergency meeting, the Board shall  
provide the Nation's Secretary with notice of the emergency meeting, the  
reason for the meeting, and an explanation as to why the matter could not  
wait until the next regular meeting.

~~3-3) day written notice may be waived.~~ Joint Meetings. There shall be no joint meetings held  
between the Board and the Oneida Business Committee.

~~3-4. 3-3. Quorum.~~ A quorum shall consist of five (5) members or a simple majority based on the current  
board membership, whichever is greater. The quorum shall include either the Chairperson or the Vice  
Chairperson.

~~3-4.~~ Quorum. - A quorum shall consist of no less than three (3) Board members, one (1) of  
which shall be the Chairperson, Vice-Chairperson or Secretary; provided,  
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~~The order of business,  
as ~~set out herein~~far as applicable, is:

(a) ~~Call to Order~~ Welcome

(b) ~~Reading of the Minutes~~

(c) ~~Correspondence~~

(d) ~~Standing and Special Committee Reports~~

(1) ~~ONAP Director's Report~~

(2) ~~ONAP Budgetary Report~~



~~(e)~~ \_\_\_ Old Business

~~(f)~~ \_\_\_ (c) New Business

~~3-5. *Voting.* Board decisions and actions shall be made by consensus. A formally proposed motion, second to a motion and vote on such motion with a minimum percentage for approval is not required. Issues shall be discussed until a proposal is made. Once a proposal is made, all members present state their level of agreement or concern with the proposal. After any concerns are identified, the Board shall address the concerns and the proposal shall be modified until the Board reaches a satisfactory agreement with all members present.~~

(d) Action

(e) Minutes (Review ú Approve)

(f) Adjourn

3-6. *Voting.* Decisions of the Board shall be based on a majority vote of its members in attendance at a Board meeting of an established quorum.

(a)

#### **Article IV. Reporting**

~~4-1. *Reporting.*~~ The ~~Board~~ Chairperson shall be permitted to participate and vote in the same manner as any other member of the Board.

(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, responsible for conducting e-polls in the Chairperson's absence or discretion.

#### **Article IV. submit reportsExpectations**

4-1. *Behavior of Members.* Members of the Board are expected to adhere to all governing laws, resolutions and policies of the Nation, including, but not limited to, the DAP Law; the Boards, Committees and Commissions law; these bylaws and as follows:

(a) That, members of the Board are expected to agree to a Commitment to Serve and annually re-commit to their responsibilities on the Board and to the community.

(b) That, Board members who find themselves unable to carry out the duties and responsibilities of their role and abide by expected behaviors, agree to resign their Board position to avoid enforcement under subsection (1) of this section 4-1.

(1) *Enforcement.* Any Board member found in violation of this section who refuses to voluntarily resign may be subject to the following if agreed upon by majority vote of the members in attendance at a Board meeting of an established quorum:

(A) Board 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.

(B) Disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

*4-2. Prohibition of Violence.* Board members are prohibited from engaging in or 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.* The use and/or consumption of alcohol or prohibited drugs by Board members when acting in their official capacity is strictly 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.* Members of the Board shall comply with the Nation's Social Media Policy and their oath of office when using social media on behalf of or as a representative of the Board.

*4-5. Conflict of Interest.* All members of the Board are required to adhere to the Nation's laws and policies governing conflicts of interest.  
(a) No member shall apply or accept a position of employment for the Oneida Nation Arts Program while serving as a member of the Board.

## **Article V. Stipends and Compensation**

*5-1. Stipends.* Members of the Board serve voluntarily; thus, even if eligible, shall not be allowed to receive stipends under the Boards, Committees and Commissions law or 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.

*5-2. Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, there are no other forms of compensation that members are eligible to receive for the duties/activities they perform on behalf of the Board.

## **Article VI. Tribal Secretary on a quarterly basis. This reporting Records and Reporting**

*6-1. Agenda Items.* Agenda items shall be consistently maintained in the format ~~may not be less than as identified under~~ Article III, section 3-5, of these bylaws as the *Order of Business*.

*6-2. Minutes.* The Board's meeting minutes shall be typed and in a consistent format created by the Oneida Business Committee Support Office to generate the

most informative record, to include, but not be limited to, a summary of the action requested/taken by the Board.

(b) Meeting minutes shall be reviewed for accuracy and then approved at the end of each meeting by a majority vote of the members present; provided a quorum is still in existence.

(1) The minutes shall be submitted to the Oneida Business Committee Support Office within seven (7) days of their approval.

6-3. *Attachments.* Handouts, reports, memoranda, and the like shall be attached to their corresponding minutes and agenda, maintained as a Board packet and filed with the Oneida Business Committee Support Office to maintain in accordance with the Open Records and Open Meetings law.

6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the member of the Oneida Business Committee who is its designated liaison.

(a) All official correspondence of the Board, whether produced via email or in writing (i.e. agenda, minutes, recordings, submissions, reports), shall be copied to the liaison, as well as the liaison's administrative support contact.

(b) The Board and liaison shall further communicate when needed, the frequency and method of which 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 the Oneida General Tribal Council.

~~4-2. *Format.* Agenda items shall be in an identified format.~~

6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using an available device, supplied by the Oneida Business Committee Support Office or the Board, that can be uploaded to digital file storage.

(a) Audio recordings shall be submitted to the Oneida Business Committee Support Office to be maintained alongside the Board's meeting minutes in accordance with the Open Records and Open Meetings law.

(1) *Exception.* Audio recordings of executive session portions of a Board meeting shall not be required.

~~4-3. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board. Minutes shall be forwarded to the Tribal Secretary's office within a reasonable time after approval by the Board.~~

~~4-4. *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.~~

~~4-5. *Annual Report.* The Board shall develop and submit its Annual Report to the Tribal Secretary's Office for forwarding to the Oneida General Tribal Council. The Annual Report shall include the Board's goals, activities, and outcomes, within the format provided by the Tribal Secretary's Office. The Annual Report~~

shall also contain the Board's financial statements summarizing any financial activities of the Board including fund raising efforts, expenditures or in-kind contributions.

## Article ~~V.~~ VII. Amendments

~~57-1. -~~ Amendments. Amendments to ~~By laws.~~ these bylaws shall be made ~~to these~~ by ~~laws~~ a majority vote of the ~~members in~~ attendance at a regular ~~meeting or an emergency meeting of the~~ Board meeting of an ~~established quorum~~; provided ~~that written, proper~~ notice of ~~the~~ proposed amendments ~~\_\_\_\_\_~~ was ~~made~~ furnished in accordance with these bylaws at a prior regular meeting. ~~Amendments are effective upon adoption of the Board~~

(a) Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and approval by the Oneida Business Committee ~~Commissions law and any other policy of the~~ Nation.

(b) Amendments to these bylaws shall be approved by the Oneida Business Committee before implementation.

(c) These bylaws shall be reviewed no less than on an annual basis.

Adopted – BC-02-28-96

Amended – BC-06-22-11

## Article VI. ~~Purpose~~

~~6-1. Purpose.~~ It shall be the purpose of the Board to provide guidance to the ONAP and to perform the responsibilities granted to the Board under the Dollars for Arts Program policy. Provided that, the guidelines and directions given in this Article are to set forth standards and goals, and may be interpreted in the broadest possible manner to include all manners of art and artistic projects. Specific responsibilities include, but are not limited to the following:

~~(a) Work with the ONAP Director and staff in an advisory capacity on issues related to the arts in Oneida, and~~

~~(b) Strive to provide guidance and recommendations in the development of the ONAP and arts programs throughout the community, and~~

~~(c) Work with ONAP in determining and monitoring program outcomes, and~~

~~(d) Receive reports of the ONAP activities from ONAP staff, and~~

~~(e) Work with the ONAP Director in evaluating the ONAP, and~~

~~(f) Approve policies and programs for the overall coordination and administration of the ONAP.~~

~~6-2. Community Involvement.~~ The Board shall strive to provide the opportunity for people to explore and

enhance lifestyles through involvement in the arts by providing assistance in program development and design.

~~6-3. Re Granting. The Board shall be responsible for approving re-granting guidelines, panel recommendations, and funding scenarios in the Dollars for Arts Program.~~

~~6-4. Fiscal Sponsors. The Board may approve the ONAP acting as a fiscal sponsor for community organizations not yet a not for profit.~~

~~6-5. Public Art. The Board shall periodically review lists of art assets owned by the Tribe, noting pieces that have potential of increasing in value and shall provide regular reports to the Oneida Business Committee, Cultural Heritage Historian, and Accounting.~~

~~These by-laws are hereby attested to as adopted by the Arts Board at a duly called meeting by the Chairperson's signature on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. And approved by the Oneida Business Committee at a duly called meeting held on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Secretary of the Oneida Business Committee's signature.~~

\_\_\_\_\_  
Oneida Nation Arts Board Chairperson

\_\_\_\_\_  
Oneida Tribal Secretary

**ONEIDA NATION COMMISSION ON AGING (ONCOA) BYLAWS****2 Approve the Oneida Nation Commission on Aging bylaws amendments****3 Article I. Authority**

4 1-1. *Name.* The name of this entity shall be the Oneida Nation Commission on Aging  
5 and may be referred to as ONCOA.

7 1-2. *Establishment.* ONCOA was first established by the Oneida Business Committee in 1978  
8 pursuant to a duly enacted Charter and Bylaws that were amended on May  
9 27, 1986. The Charter was revoked through resolution BC-2-09-00-A and  
10 superseded by the Oneida Nation Commission on Aging Bylaws that were  
11 adopted by the Oneida Business Committee on June 10, 1998 and amended  
12 on June 25, 2003; December 13, 2011; and July 11, 2012.

14 1-3. *Authority.* Pursuant to Section 46.82(4)(a) of the Wisconsin Statutes, the Oneida  
15 Business Committee established ONCOA as the advisory and policy  
16 development board for the Nation's Tribal Aging Unit, known as Oneida  
17 Elder Services, to be knowledgeable and supportive of all programs and  
18 services that can meet the needs of the Nation's Elders and to carry out the  
19 powers and duties delegated under Wis. Stat., § 46.82, which include, but  
20 are not limited to:

21 (a) Representing the views, interests, and concerns of the Elders by identifying  
22 and promoting ways to:

23 (1) Assist the Oneida Elder Services Program with planning,  
24 development, maintenance and coordination of aging programs,  
25 long term care, home and community-based services, with a focus  
26 on providing Elders with access to services, benefits, opportunities,  
27 and ensuring a coordinated and comprehensive effort.

28 (2) Develop a mutually supportive relationship with the aging programs  
29 to include, but not be limited to: Greater Wisconsin Agency on  
30 Aging Resource (GWAAR), Wisconsin Tribal Aging Unit  
31 Association (WTAUA), and Great Lakes Intertribal Tribal Council  
32 (GLITC).

33 (3) Review and make recommendations on matters affecting the  
34 Nation's Elders to include development and approval of Wisconsin  
35 Three Year Aging Plan.

36 (b) Working with Oneida Elder Services to plan and develop administrative and  
37 program policies in accordance with the state law, Oneida Nation, funding  
38 agencies, and within the limits established for programs funded by the  
39 federal or state government for administration by Tribal Aging Units;

40 (c) Promoting the views, needs, and concerns of the Elders in Tribal, county,  
41 state, and federal policies and decisions;

42 (d) Providing information and personal support to individual Elders;

43 (e) Promoting opportunities for Elders to contribute to their own welfare and to  
44 the welfare of the community;

45 (f) Assisting Oneida Elder Services in the development and implementation of  
46 an annual comprehensive and coordinated Tribal Aging Plan, including, but  
47 not limited to, Title III, Title V, Title VI, and Tribal contribution or funds  
48 set aside for Elders;

49 (g) Reviewing and making recommendations on actions or proposals relating  
50 to matters affecting programs and benefits addressing Elder needs and  
51 welfare prior to approval by the Oneida Business Committee;

- (h) Assisting Oneida Elder Services in its efforts to organize, develop, modify, and expand available services and programs for Elders by utilizing all resources;
- (i) Reviewing reports that Oneida Elder Services is required to submit to funding agencies and other reports that ONCOA may deem appropriate;
- (j) Advocating for Elders; and
- (k) Carrying out all other powers and/or duties delegated to ONCOA through the laws, policies, rules and resolutions of the Oneida Nation, as well as state and federal law.

1-4. *Office.* The official mailing address of ONCOA shall be:  
Oneida Nation Commission on Aging (ONCOA)  
P.O. Box 365  
Oneida, WI 54155

The physical address of ONCOA shall be:  
ONCOA  
c/o Elder Services Building  
2907 Overland Drive  
Oneida, WI 54155

1-5. *Membership.*

- (a) *Number of Members.* ONCOA shall be comprised of nine (9) voting Commissioners.
- (b) *Elected.* Commissioners of ONCOA shall be elected in accordance with the Oneida Election law and in coordination with Section 46.82(4) of the Wisconsin Statutes for a term of three (3) years.
  - (1) The terms of three (3) Commissioners shall expire each year.
  - (2) No Commissioner may serve more than two (2) consecutive three (3) year terms.
    - (A) A Commissioner who has completed two (2) consecutive terms must wait a period of not less than one (1) year before he or she is eligible to run for another term.
  - (3) Commissioners 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 Commissioner may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the ONCOA Chairperson or Chairperson's designee.
      - (i) The resignation is effective upon acceptance by ONCOA motion of a Commissioner's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies on ONCOA shall be filled as follows:
  - (1) *Expired Terms.* Vacancies caused by the expiration of a Commissioner's term shall be filled by election in with accordance with section 1-5(b) of these bylaws.



(2) *Unexpired Terms.* Any vacancy in an unexpired term shall be filled by appointment by the Oneida Business Committee, in accordance with the Boards, Committees and Commissions law, for the balance of the unexpired term.

(A) The ONCOA 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.

(d) *Qualifications for Commissioners.* Commissioners shall meet the following qualifications:

(1) Be enrolled members of the Oneida Nation;

(2) Reside in Brown or Outagamie County;

(3) Be fifty-five (55) years of age or older; and

(4) Must have submitted to the Wisconsin Caregiver's Background Check and been deemed eligible to work with Elders.

1-6. *Termination and Removal.* Commissioners found to be in violation of these bylaws may be subject to the following:

(a) If the Commissioner was elected, ONCOA's filing of a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.

(b) If the Commissioner was appointed, ONCOA's recommendation to the Oneida Business Committee for termination of his or her appointment in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.

(c) Petitions for removal and/or recommendations for termination shall be decided in accordance with the process set forth in Article IV of these bylaws.

1-7. *Trainings and Conferences.* For ONCOA to perform its duties, certain trainings and/or conferences are mandatory for Commissioners and will be assigned to them. The trainings/conferences will ensure that all ONCO Commissioners are equally knowledgeable of their duties and responsibilities. The following is a list of trainings and conferences that ONCOA believes are critical for Commissioners to attend to be able to perform their duties and responsibilities. These trainings/conferences are mandatory but may be limited by ONCOA's approved budget.

(a) Up to nine (9) Commissioners shall attend the Annual Federal Title VI Native American Training and Technical Assistance for four (4) full days;

(b) Up to nine (9) Commissioners shall attend the Biennial National Indian Council on Aging (NICOA) held every other year for four (4) full days;

(c) Three (3) Commissioners shall attend the Annual Wisconsin Alzheimer's Conference for two (2) full days;

(d) Three (3) or four (4) Commissioners shall attend the Wisconsin Tribal Unit Association six (6) times per year for one (1) full day;

(e) Up to nine (9) Commissioners shall attend the Quarterly Great Lakes Native American Elders Association (GLNAEA) four (4) times per year for two (2) full days;

(f) Three (3) Commissioners shall attend the National Conference on Native Alzheimer's/Dementia for three (3) full days;

- (g) Three (3) Commissioners shall attend the U.W. Madison Alzheimer's Research Center Training four (4) times per year for one (1) full day;
- (h) Three (3) Commissioners shall attend the National Council on Aging Conference for three (3) full days;
- (i) Up to nine (9) Commissioners shall attend the Biennial Title III – Wisconsin Aging Network Conference for three (3) full days;
- (j) Two (2) Commissioners shall attend the State Aging Advisory Council six (6) times per year for one (1) full day;
- (k) One (1) Commissioner shall attend the Greater Wisconsin Agency on Aging Resource Board of Directors six (6) times per year for one (1) full day;
- (l) One (1) Commissioner shall attend the Brown County Aging and Disability Resource Center six (6) times per year for one (1) full day;
- (m) One (1) Commissioner shall attend the Outagamie County Aging and Disability Resource Center six (6) times per year for one (1) full day;
- (n) Three (3) Commissioners shall attend training and/or conferences on aging each year, not listed above, for one (1) full day;
- (o) Nine (9) Commissioners shall attend between one (1) to four (4) full day Oneida Human Resources Department training sessions each year to save on travel;
- (p) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on the topic of personal/professional growth that is aligned with the Nation's core values of The Good Mind as expressed by Onayote'a'ka;
- (q) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on nutrition;
- (r) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on elderly health concerns; and
- (s) Each year, up to nine (9) Commissioners shall attend one (1) full day of training on cultural awareness to build stronger communities.
  - (1) Exceptions for not attending an assigned training or conference may be made for good cause and must be submitted to the ONCOA Chairperson.
  - (2) Regardless of the number of trainings/conferences that he or she is required to attend, no Commissioner 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.* ONCOA shall have three (3) Officers: Chairperson, Vice-Chairperson and Secretary.
- 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the Chairperson shall be as follows:
  - (a) The Chairperson shall preside at all meetings of ONCOA, facilitate the meetings in accordance with the agenda, and maintain orderly discussions at the meetings.
  - (b) The Chairperson shall be responsible for calling and developing an agenda in conjunction with the ONCOA Secretary and, if applicable, ONCOA Staff.
  - (c) The Chairperson shall receive, review, and monitor all correspondence of ONCOA and submit a quarterly ONCOA report to the Oneida Business

Committee in accordance with the Boards, Committees and Commissions law.

- (d) The Chairperson shall be responsible for submitting an approved semi-annual and annual ONCOA report to the Oneida General Tribal Council in accordance with the Boards, Committees and Commissions law for inclusion in reports to the Nation's membership.
- (e) The Chairperson shall oversee that the appropriate and/or required reports are submitted to agencies and other funding resources in a timely manner.
- (f) The Chairperson shall provide monthly ONCOA budget updates at regular meetings of ONCOA.
- (g) The Chairperson shall have sign-off authority as set forth in section 2-8 of these bylaws and shall sign all correspondence of ONCOA, including reports, meeting materials and other documents.
- (h) The Chairperson shall meet with the Oneida Business Committee liaison and Elder Services Director, as needed.
- (i) The Chairperson or Chairperson's designee shall attend all annual, semi-annual, and budget meetings to support Elders and ONCOA.
- (j) The Chairperson or Commissioner designated by the Chairperson shall attend the Oneida Business Committee meeting where ONCOA's quarterly report appears on the agenda.
- (k) The Chairperson shall supervise and evaluate ONCOA Staff, hired prior to the adoption of these bylaws, in accordance with the Nation's Personnel Policies and Procedures.
- (l) The Chairperson shall appoint Commissioners to subcommittees created by majority vote of the Commissioner in attendance at an ONCOA meeting of an established quorum.
- (m) The Chairperson shall perform other duties as assigned by ONCOA or the Oneida Business Committee.

2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the Vice-Chairperson shall be as follows:

- (a) The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.
  - (1) In case of a resignation or death of the Chairperson, the Vice-Chairperson shall become the Chairperson for the remainder of the term or until an election of Officers occurs.
- (b) The Vice-Chairperson shall have sign-off authority as set forth in section 2-8 of these bylaws.
- (c) The Vice-Chairperson shall have the authority to call to order and preside at ONCOA meetings in the absence of the Chairperson.
- (d) The Vice-Chairperson shall perform other duties assigned by the ONCOA Chairperson.

2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the Secretary shall be as follows:

- (a) The Secretary shall be responsible to ensure the correspondence and minutes of ONCOA are maintained, recorded and filed in accordance with these bylaws, the Boards, Committees and Commissions law, and the Open Records and Open Meetings law.

- 250 (b) The Secretary shall ensure that notices of ONCOA meetings, location,  
251 agendas and minutes are provided, recorded and maintained in accordance  
252 with the Boards, Committees and Commissions law, the Open Records and  
253 Open Meetings law, and these bylaws.
- 254 (c) The Secretary shall have sign-off authority as set forth in section 2-8 of  
255 these bylaws.
- 256 (d) In the event that both the Chairperson and Vice-Chairperson positions  
257 become vacant before the end of their terms, the Secretary shall have the  
258 authority to call ONCOA meetings to fill the vacancies and to preside over  
259 those meetings for the sole purpose of conducting an election of new  
260 Officers, at which point the Chairperson, or Vice-Chairperson in the  
261 absence of the Chairperson, shall preside.
- 262 (e) The Secretary shall perform other duties as assigned by ONCOA.  
263
- 264 2-5. *Responsibilities of the Commissioners.* In addition to any other duties assigned the  
265 Commissioners in these bylaws, the responsibilities, duties and limitations  
266 of the Commissioners shall be as follows:
- 267 (a) The Commissioners shall attend regularly scheduled ONCOA meetings,  
268 provide direction or input, and participate in discussions.
- 269 (b) The Commissioners shall attend meetings, trainings/conferences, and work-  
270 shops approved by the majority vote of ONCOA Commissioners making  
271 up at least a quorum, unless excused.
- 272 (c) The Commissioners shall participate in advocacy efforts.
- 273 (d) The Commissioners shall take time to review all ONCOA reports and  
274 minutes.
- 275 (e) The Commissioners are mandated reporters and should report Elder abuse  
276 to the Elder Services Director.
- 277 (f) The Commissioners shall perform other duties as assigned by the ONCOA  
278 Chairperson or by a majority vote of the Commissioners making up at least  
279 a quorum.  
280
- 281 2-6. *Subcommittees.* Subcommittees shall be created when necessary in accordance with the  
282 Boards, Committees and Commissions law and filled by current ONCOA  
283 Commissioners.
- 284 (a) To create a subcommittee, ONCOA must approve the subcommittee and its  
285 purpose by a majority vote of Commissioners in attendance at an ONCOA  
286 meeting of an established quorum.
- 287 (b) Subcommittees are voluntary and appointed by the Chairperson.
- 288 (c) A Commissioner's appointment to a subcommittee shall be terminated upon  
289 completion of the term which will result in a written report to ONCOA.
- 290 (d) If the subcommittee is no longer meeting a valid need or goal of ONCOA,  
291 that subcommittee shall be ended at any time by a majority vote of the  
292 ONCOA Commissioners at the meeting of an established quorum.
- 293 (e) Commissioners of subcommittees shall not be eligible for stipends unless a  
294 specific exception is made by the Oneida Business Committee or the Oneida  
295 General Tribal Council.  
296
- 297 2-7. *Selection of Officers.*
- 298 (a) The tenure of Officers shall be for one (1) year terms by election of a  
299 majority vote of the ONCOA Commissioners in attendance at a meeting of

an established quorum that takes place within thirty (30) days after the newly elected Commissioners have been sworn in by the Oneida Business Committee.

- (b) In case of a resignation or vacancy of an ONCOA Officer position, ONCOA will hold an election within thirty (30) days to fill that vacancy by majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum for the remainder of that term of the resigning or vacating Officer.
- (c) A Commissioner may be dismissed from his or her Officer position by a majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum.
- (d) ONCOA Officers may only hold one (1) Officer position per Officer term.

2-8. *Budgetary Sign-Off Authority and Travel.* ONCOA shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority are as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
  - (1) All ONCOA Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
    - (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (b) Travel shall be approved through a motion by a majority vote of the ONCOA Commissioners in attendance at a regular or emergency ONCOA meeting of an established quorum.

2-9. *Personnel (Staff).* Commencing on the date these bylaws are adopted by the Oneida Business Committee and from that point forward, ONCOA shall not have authority to hire personnel for the benefit of ONCOA.

### Article III. Meetings

3-1. *Regular Meetings.* Regular meetings of ONCOA shall be held on the second (2nd) and fourth (4th) Tuesday of each month, commencing at 1:00 p.m., in the Elder Services Conference Room of the Elder Services building located 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 Commissioners in attendance at an ONCOA meeting of an established quorum so long as notice is provided to all Commissioners in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law prior to the implementation of a new date, time and/or location.
- (b) The ONCOA Secretary shall ensure notice of the meeting agenda, location, documents and minutes are provided, as well as made available, to all Commissioners in writing and, along with the Oneida Business Committee liaison and public, further made available in accordance with the Nation's Open Records and Open Meetings law.
- (c) ONCOA meetings shall be run in accordance with Robert's Rules of Order.



- 350 3-2. *Emergency Meetings.* An emergency meeting may convene outside of regular meetings to  
351 address an urgent matter. The urgent matter shall be identified in the notice  
352 for the emergency meeting.
- 353 (a) An emergency may be called by the Chairperson, Vice-Chairperson in the  
354 absence of the Chairperson, or by a majority vote at an established quorum  
355 of ONCOA Commissioners.
- 356 (b) The Secretary shall ensure that at least twenty-four (24) hours advance  
357 notice of the emergency meeting is provided to all Commissioners via  
358 telephone call, as well as in writing, and, along with the public, further  
359 provided in accordance with the Open Records and Open Meetings law.
- 360 (1) Written notice provided via email must be sent to the official Oneida  
361 Nation email address that was provided to each Commissioner to  
362 conduct business electronically on behalf of ONCOA.
- 363 (c) Within seventy-two (72) hours after the emergency meeting, the ONCOA  
364 Secretary or, if applicable, ONCOA Staff shall provide the Nation's  
365 Secretary with notice of the emergency meeting, the reason for the  
366 emergency meeting, and an explanation of why the matter could not wait  
367 until the next regular meeting.  
368
- 369 3-3. *Joint Meetings.* Joint Meetings with the Oneida Business Committee will be held in the  
370 Oneida Business Committee Conference Room of the Norbert Hill Center,  
371 on an as needed basis per the approval of the Oneida Business Committee.
- 372 (a) Notice of the joint meeting agenda, documents and minutes shall be  
373 provided, and the joint meeting conducted, in accordance with resolution  
374 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
375 Boards, Committees and Commissions – Definitions and Impact, as may be  
376 amended from time-to-time hereafter.  
377
- 378 3-4. *Closed and/or Confidential Sessions.*
- 379 (a) Meetings of ONCOA shall be open to the general public.
- 380 (b) For the purpose of confidentiality, pursuant to the Nation's Open Records  
381 and Open Meetings law, portions of any regular or emergency meeting may  
382 be closed to address individual issues, personnel issues, sensitive client  
383 issues, or community sensitive issues and shall be addressed under the  
384 Executive Session portion of the agenda.  
385
- 386 3-5. *Quorum.* A quorum of ONCOA Commissioners shall be required for ONCOA action  
387 and shall consist of five (5) Commissioners one (1) of which shall be either  
388 the Chairperson, Vice-Chairperson, or Secretary; provided, the Secretary is  
389 presiding over the meeting in accordance with section 2-4(d) of these  
390 bylaws.
- 391 (a) If a quorum is not present within fifteen (15) minutes of the announced  
392 meeting time, the meeting will be declared dismissed.  
393
- 394 3-6. *Order of Business.* As far as applicable, the agenda shall be set up as follows:
- 395 (a) Call to Order
- 396 (b) Welcome and Prayer
- 397 (c) Roll Call
- 398 (d) Adopt and Approve the Current Agenda
- 399 (e) Approval of Previous Minutes on Second Meeting of the Month

- 400 (f) Old Business
- 401 (g) New Business
- 402 (h) Tabled Business
- 403 (i) Reports and Announcements
- 404 (j) Other Business
- 405 (k) Executive Session
- 406 (l) Adjournment
- 407

- 408 3-7. *Voting.* Decisions of ONCOA shall be based on a majority vote of Commissioners  
 409 present at a regular or emergency meeting of an established quorum.
- 410 (a) The ONCOA Chairperson or Officer presiding over the meeting in lieu of  
 411 the Chairperson shall vote only in the case of a tie.
  - 412 (b) E-polls are permissible and shall be conducted in accordance with the  
 413 Boards, Committees and Commissions law.
  - 414 (1) The Vice-Chairperson shall serve as the Chairperson's designee for  
 415 the responsibility of conducting an e-poll in the absence or at the  
 416 discretion of the Chairperson.
  - 417 (A) In the absence of the Vice-Chairperson, the Secretary shall  
 418 be responsible for conducting e-polls.
  - 419

#### 420 **Article IV. Expectations**

##### 421 4-1. *Behavior of Commissioners.*

- 422 (a) While attending ONCOA meetings, the Commissioners must adhere to the  
 423 following Ground Rules:
- 424 (1) Start on time.
- 425 (2) Speak in positive terms.
- 426 (3) Show respect for each other and their ideas.
- 427 (4) Listen.
- 428 (5) Turn off cell phones during meetings.
- 429 (6) Facilitator will acknowledge the right to speak.
- 430 (7) One person speaks at a time.
- 431 (8) Avoid side conversations.
- 432 (9) Stay focused.
- 433 (b) Commissioners must attend and participate in duly called ONCOA  
 434 meetings. This is critical for the operation of ONCOA and the safety of  
 435 Elders.
- 436 (c) No Commissioner shall act independently of ONCOA, on behalf of  
 437 ONCOA, or express and represent views of ONCOA without specific  
 438 approval from ONCOA.
- 439 (d) Commissioners must adhere to the Oneida Nation's Code of Ethics law.
- 440 (e) Commissioners must honorably protect and uphold the purpose of ONCOA  
 441 with compassion, caring, honesty, honor, and thoroughness while protecting  
 442 the privacy and maintaining the safety of Elders.
- 443 (f) While performing official duties of ONCOA, Commissioners will refrain  
 444 from using profanity.
- 445 (g) *Enforcement:* Violation of this or any section of these bylaws shall be  
 446 enforced as follows:
- 447 (1) A Commissioner who fails to adhere to the Ground Rules may be  
 448 forced to leave a meeting, forfeiting his or her stipend if eligible to  
 449 receive a stipend for being in attendance; or, if that Commissioner



- continues to fail to adhere to the Ground Rules or the infraction at issue is egregious, he or she shall be added to the agenda for discussion and action under subsections (4) and (5) of this section.
- (2) A Commissioner who fails to be courteous, civil, polite and respectful to all will give cause for the Chairperson to request a break, talk to the Commissioner in private and, based on that discussion and/or the number of infractions, the Commissioner may be forced by the Chairperson to leave the meeting, forfeiting his or her stipend if eligible to receive a stipend for being in attendance, or the Commissioner may be added to the agenda for discussion and action under subsections (4) and (5) of this section.
- (3) A Commissioner who fails to attend meetings on a regular basis or misses four (4) consecutive meetings, without an excused absence, will prompt the ONCOA Chairperson to add the attendance issue to the agenda for discussion and action under subsections (4) and (5) of this section.
- (A) A Commissioner who fails to notify an ONCOA Officer, in writing, of his or her pending absence at least thirty (30) minutes before the missed meeting shall be deemed unexcused.
- (4) A Commissioner who violates any other section of these bylaws or who has been added to the agenda in accordance with subsection (g) of this section shall be subject to the following:
- (A) If the Commissioner was elected, ONCOA may file a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.
- (B) If the Commissioner was appointed, ONCOA may make a recommendation to the Oneida Business Committee for termination of his or her appointment in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing termination of appointed officials.
- (C) ONCOA may take action to discipline any Commissioner in accordance with any law of the Nation governing sanctions and penalties for elected and/or appointed officials.
- (D) A two-thirds (2/3) majority vote of the ONCOA membership is required before ONCOA may take any of the actions set forth under this subsection (4) of section 4-1.
- (5) Prior to taking any action under subsection (4) of this section, the ONCOA Chairperson or Officer designated by the Chairperson will send a certified letter to that Commissioner asking what his or her intent is serving on ONCOA.
- (A) If the Commissioner fails to respond to ONCOA within seven (7) business days of receiving the letter, that Commissioner will be placed on the agenda for discussion and action under subsection (4) of this section.
- (B) If the Commissioner provides a timely response to ONCOA, that Commissioner will be placed on the agenda to decide by majority vote of Commissioners in attendance at a meeting

of an established quorum whether, based on the response, he or she shall be offered the opportunity to take part in peacemaking in lieu of action under subsection (4) of this section.

(i) If the Commissioner agrees to peacemaking, the ONCOA Chairperson shall select the peacemaker.

4-2. *Prohibition of Violence.* It is the policy of the Nation to provide a safe and secure environment when conducting business that is free of violence or the threat of violence.

(a) ONCOA Commissioners 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.

(1) Commissioners are encouraged to report threats of or observed violence to the ONCOA Chairperson or Oneida Police Department.

4-3. *Drug and Alcohol Use.* While acting in their official capacity, Commissioners shall not use or be under the influence of alcohol, intoxicants, illegal drugs or barbiturates.

4-4. *Social Media.* ONCOA Commissioners shall comply with the Oneida Nation's Social Media Policy to include, but not be limited to, setting up an ONCOA Social Media account with the Nation's Secretary's Office.

(a) If creating a social media account, ONCOA must appoint an Administrator for the social media account and this appointment must be approved at an ONCOA meeting of an established quorum by a majority vote of the Commissioners in attendance.

(b) Commissioners shall adhere to their oath of office when using social media while acting on behalf of or as a representative of ONCOA, and shall further refrain from posting, attaching or writing anything relating to ONCOA business or activities on any social media outlet unless authorized by these bylaws or by a majority vote of the Commissioners in attendance at an ONCOA meeting of an established quorum.

4-5. *Conflict of Interest.* All Commissioners shall comply with all applicable laws of the Oneida Nation governing conflicts of interest.

(a) All Commissioners shall sign the Oneida Nation's Conflict of Interest Disclosure Form prior to being sworn in on ONCOA.

(b) Commissioners shall disclose any potential conflict to the ONCOA Chairperson and the Oneida Nation Secretary.

(c) Commissioners shall recuse themselves from any decision where a potential conflict exists.

(d) In addition to any action that a Commissioner may be required to take under any other law of the Nation governing conflicts, when a familial relationship exists between a Commissioner and another party whom ONCOA is or will be formally interacting with, that Commissioner, or other Commissioner with knowledge of the relationship, shall disclose the existence of the relationship to ONCOA.

(1) Upon disclosure, ONCOA shall allow the Commissioner with the familial relationship an opportunity to address ONCOA and answer any question ONCOA may have in follow up.

- (2) ONCOA shall then decide by a majority vote of Commissioners in attendance at a meeting of an established whether a potential conflict exists.

## **Article V. Stipends and Compensation**

5-1. *Stipends.* ONCOA Commissioners 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) Two (2) meeting stipends 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 Commissioner collecting the stipend was physically present for the entire meeting.
- (b) For attending a conference or training, a stipend for each day of attendance, provided that:
  - (1) The Commissioner attended a full day of training or was present at the conference for a full day;
  - (2) The Commissioner's attendance at the conference or training was required by law, bylaws or resolution; and
  - (3) The budget for the training/conference and stipend was provided for and approved in the budgets for stipends.
    - (A) No stipend payments shall be made for those days spent traveling to and from the conference or training.
- (c) Stipends for Judiciary hearings:
  - (1) An ONCOA Commissioner may receive a stipend for attending an Oneida Judiciary hearing if that Commissioner's attendance was required by official subpoena.
- (d) A stipend for attending a duly called joint meeting between ONCOA and the Oneida Business Committee, provided that:
  - (1) A quorum was established by ONCOA;
  - (2) The joint meeting lasted for at least one (1) hour; and
  - (3) The Commissioner collecting the stipend was physically present for the entire joint meeting.
- (e) All stipend requests shall be accompanied by the meeting sign-in sheet or conference/training materials which identifies the start and end time of the meeting, conference or training.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, Commissioners shall not be eligible for any other type of compensation for duties/activities they perform on behalf of ONCOA.

## **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format provided by the Oneida Business Committee Support Office, as approved by ONCOA, and submitted to the ONCOA Chairperson or, as applicable, ONCOA Staff according to ONCOA's established process.

- 600 (a) For items to be placed on the agenda, items must be submitted to the Chair-  
601 person or, as applicable, ONCOA Staff at least one (1) week prior to the  
602 ONCOA meeting.
- 603 (1) Items submitted late, will be placed on the next ONCOA meeting  
604 agenda.
- 605 (b) Packets of the proposed agenda and backup documentation shall be made  
606 available to all ONCOA Commissioners in writing and, along with the  
607 public, in accordance with the Nation's Open Records and Open Meetings  
608 law.
- 609 (c) Executive session items shall be stamped confidential and returned to the  
610 ONCOA Secretary or, if applicable, ONCOA Staff after the meeting for  
611 filing and disposal in accordance with the Nation's Open Records and Open  
612 Meetings law.
- 613
- 614 6-2. *Minutes.* Minutes for each meeting shall be typed and in a consistent format designed  
615 by the Oneida Business Committee Support Office, and approved by  
616 ONCOA, to generate the most informative record of the ONCOA meetings.
- 617 (a) Minutes must provide a summary of the action taken by ONCOA in that  
618 meeting.
- 619 (b) After ONCOA receives and approves the meeting minutes, the ONCOA  
620 Secretary or, if applicable, ONCOA Staff shall submit copies of the  
621 approved minutes to the Oneida Business Committee Support Office by the  
622 end of the fourth (4th) week of the month in which the meeting was held.
- 623 (1) Minutes will be received at the first (1st) meeting of the month and  
624 approved at the second (2nd) meeting of the month.
- 625 (2) Minutes will be made available one (1) week prior to the second  
626 (2nd) meeting upon request to the ONCOA Secretary or, if  
627 applicable, ONCOA Staff.
- 628 (3) The Secretary shall sign, date, and ensure approved minutes are  
629 submitted to the Oneida Business Committee Support Office by the  
630 end of the fourth (4th) week of each month.
- 631
- 632 6-3. *Attachments.* Handouts, attachments, reports, memoranda and the like shall be attached  
633 to and maintained with the meeting minutes and agenda in accordance with  
634 the Open Records and Open Meetings law.
- 635 (a) All materials must be identified to the meeting in which they were  
636 presented.
- 637
- 638 6-4. *Oneida Business Committee Liaison.* ONCOA shall regularly communicate with the  
639 Oneida Business Committee member who is its designated liaison.
- 640 (a) The frequency and method of communication shall be as agreed upon by  
641 ONCOA and the liaison, but not less than that required in any law or policy  
642 on reporting developed by the Oneida Business Committee or Oneida  
643 General Tribal Council.
- 644
- 645 6-5. *Audio Recordings.* All ONCOA meetings shall be audio recorded by the Oneida Business  
646 Committee Support Office using its own recording device.
- 647 (a) Audio recordings of ONCOA meetings shall be maintained by the Oneida  
648 Business Committee Support Office.

- (b) *Exception:* Audio recordings of an Executive Session portion of a meeting shall not be recorded.

## **Article VII. Amendments**

7-1. *Amendments.* ONCOA shall adopt, amend, or repeal any provisions of these bylaws at a meeting of an established quorum by a majority vote of the Commissioners in attendance; provided, the proposed amendments had been submitted in writing at a regular meeting of ONCOA.

- (1) Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.
- (a) ONCOA shall conduct a review of these bylaws to ensure they remain current at the beginning of each fiscal year.
- (b) Amendments shall be approved by ONCOA and the Oneida Business Committee before implementation.



## Oneida Nation Commission on Aging Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P.Jordan	DRAFTER: Kristen M. Hboker	ANALYST: Maureen Perkins
Complies with Boards, Committees and 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 [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Nation Commission on Aging (ONCOA) to govern the standard procedures regarding the way ONCOA conducts its affairs, including: the election and appointment of persons to ONCOA, 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	ONCOA serves the Nation in an advisory and policy development capacity to the Nation's Tribal Aging Unit (Oneida Elder Services) to be knowledgeable and supportive of all programs and services that can meet the needs of the Nation's Elders and to carry out the powers delegated by the Nation and the State of Wisconsin [Proposed Bylaws 1-3].		
Related Legislation	Oneida Nation Constitution, Boards, Committees and Commissions law, Election law, Removal Law, Code of Ethics, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Removal from an elected position on ONCOA follows the Removal Law [1 O.C. 104] and ONCOA members appointed by the OBC to serve an unexpired vacant position will be subject to the Boards, Committees and Commissions law regarding termination of appointment [1 O.C. 105.6-2(c)]. ONCOA included behavioral expectations [Proposed Bylaws 4-1] that if not followed may result in being forced to leave a meeting without a stipend, may be issued sanctions or penalties, may have a request submitted to the OBC to consider terminating the appointment or ONCOA may file a petition for GTC to consider removing the member from office.		
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 ONCOA bylaw amendments were added to the active files list on October 3, 2018 with David P.  
3 Jordan as the sponsor.
- 4 B. ONCOA is established under the laws of the Nation and in accordance with Wisconsin State Statute  
5 46.82(4)(a). This analysis does not include an analysis of laws outside of the Nation's laws.
- 6 C. ONCOA replaced the Oneida Reservation Commission on Aging on June 10, 1998, with the passage  
7 of ONCOA Bylaws. The most recent bylaws were approved by the OBC on July 11, 202.
- 8

### 9 **SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

- 10 A. The proposed bylaws comply with the Boards, Committees and Commissions law.
- 11 B. The proposed bylaws comply with OBC Resolution BC-05-08-19-B titled "Amending Resolution BC-  
12 09-26-18-D Boards, Committees and Commissions Law Stipends" which details the types, specific  
13 dollar amounts and eligibility requirements of stipends.
- 14 C. The proposed bylaws comply with OBC Resolution BC-03-27-19 titled "Oneida Business Committee  
15 and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact".
- 16

### 17 **SECTION 4. BYLAWS AMENDMENTS**

18 This section details the changes to the bylaws from the previously adopted bylaws.

#### 19 **A. ARTICLE I. AUTHORITY**

- 20 a. The authority section was expanded to include additional duties not listed in the previous  
21 bylaws [*Proposed Bylaws 1-3*] including the following assistance to Oneida Elder  
22 Services:
- 23 • program development;
  - 24 • recommendation on policy development;
  - 25 • assisting with efforts related to program expansion utilizing all resources;
  - 26 • providing information and personal support to individual elders; and
  - 27 • promoting issues related to Oneida Elders at the tribal, county, state and federal  
28 levels.
- 29 b. A provision was added that when an ONCOA members' term expires they will remain in  
30 office until a successor is sworn in by the OBC [*Proposed Bylaws 1-5(b)(3)(A)*] which is  
31 optional under the Boards, Committees and Commissions law [*1 O.C. 105.6-2(a)(1)*].
- 32 c. The resignation process has changed in accordance with the Boards, Committees and  
33 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:
- 34 • Verbally and accepted by motion at a meeting; or
  - 35 • By delivering a written resignation to the Business Committee Support Office  
36 (BCSO) and the ONCOA Chairperson or Chairperson's designee [*Proposed*  
37 *Bylaws 1-5(b)(3)(B)*].
- 38 d. Vacancies will now be filled in accordance with the Boards, Committees and Commissions  
39 law [*1 O.C. 105.6*] rather than the internal appointment process ONCOA currently uses  
40 [*Current Bylaws 1.4.4*]. Expired vacancies will be elected in accordance with section 1-  
41 5(b). ONCOA will fill unexpired vacancies through the OBC appointment process in  
42 accordance with the Boards, Committees and Commissions law [*1 O.C. 105.7*]. The  
43 Chairperson of ONCOA will provide the OBC with recommendations on all applicants for  
44 appointment [*Proposed Bylaws 1-5(c)(2)(A)*] which is optional under the Boards,  
45 Committees and Commissions law [*1 O.C. 105.7-1(b)(1)*].
- 46 e. The removal or termination of appointment recommendation process has changed to  
47 comply with the Boards, Committees and Commissions law [*Proposed Bylaws 1-6*].
- 48 • The Removal Law will be followed for removal of elected members [*1 O.C.*  
49 *104*] and the Boards, Committees and Commission law will be followed for



termination of appointed members [1 O.C. 105.6-1(c)] and ONCOA will follow the process in 4-1(g) of the proposed bylaws.

- f. A section has been added to the bylaws related to trainings and conferences to be more specific about training members of ONCOA will be required to attend and the number of commissioners who will attend each training or conference [Proposed Bylaws 1-7] to comply with the Boards, Committees and Commissions law [1 O.C. 105.10-3(7)]. Regardless of the number of trainings mandated by the bylaws; ONCOA members will be limited to five (5) training stipends for full days of training [Proposed Bylaws 1-7(s)(2)].

## B. ARTICLE II. OFFICERS

- a. Additional duties of the Chairperson include [Proposed Bylaws 2-2]:

- Presenting or designating an ONCOA member to present quarterly reports to the OBC in accordance with the Boards, Committees and Commissions law [1 O.C. 105.12-3];
- Attendance at annual, semi-annual and budget meetings of the General Tribal Council or designating an attendee [1 O.C. 105.12-4]; and
- Supervising and evaluating current ONCOA staff, hired prior to the adoption of these bylaws, according to the Nation's Personnel Policies and Procedures;

- b. Changes to the Vice-Chairperson's duties include [Proposed Bylaws 2-3]:

- The Vice-Chairperson is no longer responsible to receive and record all donations of funds to ONCOA or to submit the record of such donations the Accounting Office per the Cash Handling Policy and Procedures [Current Bylaws 2.4.2].

- c. Additional duties of the Secretary include [Proposed Bylaws 2-4]:

- Ensuring all correspondence, notices of meetings, minutes, packets and attachments are maintained, recorded and filed 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].
- A provision was added that if both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms; the Secretary will call and preside over a meeting until a new Chairperson and/or Vice-Chairperson is elected at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, will preside [Proposed Bylaws 2-4(d)]. In this instance the Secretary's presence can be used to constitute quorum [Proposed Bylaws 3-5].

- d. The mandatory reporting responsibility of all commissioners of elder abuse to the Elder Services Manager was added [Proposed Bylaws 2-5(e)].

- e. Additional language was added to the subcommittee section detailing that subcommittees are not eligible for a stipend unless a specific exception is made by the OBC or the General Tribal Council [Proposed Bylaws 2-6(e)]. This complies with requirements for subcommittees in the Boards, Committees and Commissions law [1 O.C. 105.13-10].

- f. Language was added that a Commissioner may be dismissed from their Officer position by majority vote of the Commissioners in attendance at an ONCOA meeting with an established quorum [Proposed Bylaws 2-7(c)].

- g. Language was added restricting ONCOA members from holding more than one Officer position at the same time [Proposed Bylaws 2-7(d)].

- h. The Budgetary Sign-off Authority and Travel section is new to these bylaws based on requirements in the amended Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)].

- ONCOA will use levels for budgetary sign-off authority that are as set forth in the Onida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manual for Area Directors/Enterprise Directors. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement [Proposed Bylaws 2-8(a)(1)(A)]. All ONCOA Officers will have sign-off authority and two (2) Officers must sign-off on budgetary requests [Proposed Bylaws 2-8].
  - i. Although not applicable to ONCOA; ONCOA will follow the budgetary sign-off levels dictated by the Onida 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) Officer positions [Proposed Bylaws 2-8(a)(1)] in accordance with the Travel and Expense Policy [2 O.C. 219.4-2]. All travel must be approved through a majority vote of ONCOA members in attendance at a regular or emergency ONCOA meeting with a quorum [Proposed Bylaws 2-8(b)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. ONCOA members may travel in a Tribal vehicle when certified and must follow the Vehicle Driver Certification and Fleet Management law [2 O.C. 210].
- i. The ability to hire personnel was removed from the bylaws starting from the date the bylaws amendments are adopted by the OBC moving forward [Proposed Bylaws 2-9].
  - This provision applies to future hiring authority and does not affect current personnel who will keep their positions.

### 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>
• Regularly Scheduled – Once Monthly	• Regularly Scheduled – Twice Monthly
<u>Emergency Meetings</u>	<u>Emergency Meetings</u>
• Twenty-Four (24) Hour Notice	• Twenty-Four (24) Hour Notice
<u>Special Meetings</u>	<u>Special Meetings</u>
• Twenty-Four (24) Hour Notice	• Special Meetings were removed.
	<u>Joint Meetings</u>
	• As Needed Per Approval of OBC.

- a. The regular meeting time and date was changed [Proposed Bylaws 3-1] and listed in the bylaws in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(1)]. An additional monthly meeting was added.
- b. The ONCOA Secretary will ensure notices of meeting agendas, location, documents and minutes are provided to all Commissioners, the OBC liaison and the public [Proposed Bylaws 3-1(b)] in accordance with the Open Records and Open Meetings law [1 O.C. 107.7-2].
- c. Special meetings were removed [Current Bylaws 3.4].
- d. A provision was added that the Secretary or staff of ONCOA will notify the Nation's Secretary within seventy-two (72) hours with notice of any emergency meetings, the reason for the emergency meeting, and an explanation of why the matter could not wait for a

regular meeting *[Proposed Bylaws 3-2(c)]* in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(c)(2)(A)]*.

- e. 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".

The agenda will be agreed upon by the ONCOA Chairperson upon ONCOA 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 ONCOA, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of ONCOA;

The Chairperson of ONCOA 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.

- f. E-polls were added as an acceptable form of voting and will be conducted by the Chairperson or the Vice-Chairperson or Secretary in the Chairperson's absence or discretion and in accordance with the Boards, Committees and Commissions law *[Proposed Bylaws 3-7(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 and enforcement measures were added *[Proposed Bylaws 4-1]* in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(1)]*. Enforcement of behavioral expectations include *[Proposed Bylaws 4-1(g)]*:

- Commissioner may be added to the agenda for discussion *[Proposed Bylaws 4-1(g)(1) and (2)]*.

a. Optional peacemaking session;

b. Discussion may include petition for removal under the Removal law *[1 O.C. 104]*, recommendation for termination of appointment for OBC consideration under the Boards, Committees and Commissions law *[1 O.C. 105.6-2(c)]* or sanctions and penalties under any laws of the Nation.

i. These options require a two-thirds (2/3) majority vote.

ii. A provision was added defining an un-excused absence as failure to notify a Board Officer, in writing, of his or her pending absence no less than thirty (30) minutes before the scheduled meeting that he or she will be absent from *[Proposed Bylaws 4-1(g)(3)(A)]*.

iii. A provision was added that prior to taking any action above, the ONCOA Chairperson or Officer designee will send a

certified letter to Commissioner asking what their intent is serving on ONCOA; which may result in the optional peacemaking mentioned above [*Proposed Bylaws 4-1(g)(5)(A) and (B)*].

- b. The bylaws include a provision that prohibits intentional acts of violence [*Proposed Bylaws 4-2*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(2)*].
  - ONCOA members are encouraged to report threats of or observed violence to the ONCOA Chairperson or Oneida Police Department [*Proposed Bylaws 4-2(a)(1)*].
- c. The bylaws include a provision prohibiting Commissioners from the use of or under the influence of alcohol, intoxicants, illegal drugs or barbiturates while acting in their official capacity [*Proposed Bylaws 4-3*] in accordance with the Boards, Committee and Commissions law [*1 O.C. 105.10-3(d)(3)*].
- d. ONCOA is required to comply with the Nation's Social Media Policy. If creating a social media account, ONCOA must appoint an administrator by majority vote [*2 O.C. 218*]. Additionally, ONCOA members must abide by their Oath of Office and must refrain from posting, attaching or writing anything related to ONCOA business or activities on social media unless authorized by the bylaws or by a majority vote of a quorum of ONCOA members in attendance [*Proposed Bylaws 4-4(b)*]. This complies with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(4)*].
- e. ONCOA will be required to comply with the Nation's laws governing conflicts of interest [*2 O.C. 217*] and [*1 O.C. 105.10-3(d)(5) and 105.15*]. ONCOA members will [*Proposed Bylaws 4-5(a) to (c)*]:
  - Sign the Nation's Conflict of Interest Disclosure Form prior to being sworn into ONCOA;
  - Disclose any potential conflicts to the ONCOA Chairperson and the Oneida Nation Secretary; and
  - Recuse themselves from any decision where a potential conflict exists.
  - Additionally, ONCOA will determine any conflicts of interest related to familial relationships beyond the requirements in the Nation's laws [*Proposed Bylaws 4-5(d)*].
    - 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*].

#### E. ARTICLE V. STIPENDS AND COMPENSATION

A section was added to the bylaws that details stipends, compensation and corresponding requirements in accordance with the Boards, Committees and Commissions law [*O.C. 1 105.10-3(e)*].

- a. This section provides a list of eligible stipends and corresponding eligibility requirements that members of ONCOA are eligible to receive [*Proposed Bylaws 5-1*].
  - A full day of training is required to be eligible for a stipend [*1 O.C. 105.13-8(a)*]; and
  - Only trainings and conference required by law, bylaws or resolution are eligible to receive a stipend [*1 O.C. 105.13-8(b)*].
- b. Besides travel, per diem and business expense reimbursement; no other compensation is allowed [*Proposed Bylaws 5-2*].

#### F. ARTICLE VI. RECORDS AND REPORTING

The Boards, Committees and Commissions law established added requirements related to records and reporting [1 O.C. 105.10-3(f)].

- a. ONCOA will use the agenda format provided by the BCSO as approved by ONCOA and submitted to the ONCOA Chairperson or Staff according to ONCOA's established process [Proposed Bylaws 6-1]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(1)].
  - The timeframe for submitting agenda items has changed from at the meeting to one week prior to the meeting with late submittals being forwarded to the next agenda [Proposed Bylaw 6-1(a)].
  - Packets and meeting materials will be available [Proposed Bylaws 6-1(b)] in accordance with the Open Records and Open Meetings law and [1 O.C. 107.7-2].
- b. Minutes will utilize the BCSO format and will be submitted to the BCSO by the end of the fourth (4<sup>th</sup>) week of the month the meeting was held [Proposed Bylaws 6-2]. This meets the requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(2)].
- c. All attachments will be attached to and maintained with the meeting minutes and the agenda to be maintained by the BCSO [Proposed Bylaws 6-3]. This meets requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(3)].
- d. A requirement was added that the BCSO will audio record all meetings and maintain all audio files. 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 in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(g)]. Additionally, a provision was added that the bylaws be reviewed at the beginning of each fiscal year [Proposed Bylaws 7-1].

## SECTION 5. RELATED LEGISLATION

There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws related to the proposed 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 the 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; 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 the Nation's boards, committees and commissions. ONCOA is elected by the Nation's qualified voting membership and unexpired vacancies are appointed by the OBC [Proposed Bylaws 1-5(b) and (c)(2)]. The requirements for ONCOA's proposed 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 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 with the Boards, Committees and Commissions law.

C. 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 ONCOA 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 between the bylaws and the Election law.

D. Removal Law [1 O.C. 104]. This law governs the removal process related to ONCOA 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 and 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 proposed bylaws include additional behavioral expectations that if not followed may result in a petition for removal [Proposed Bylaws 4-1(g)(4)(A)]. 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. Code of Ethics [1 O.C. 103]. ONCOA members are required to abide by the Code of Ethics law and Article IV of the bylaws addresses the behavioral expectations of members some of which are covered in the Code of Ethics law [Proposed Bylaws 4-1(d)]. This law promotes the highest ethical conduct from elected and appointed government officials and expects that officials will demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities to inspire public confidence and trust in the governmental officials of the Oneida Nation. Government officials are also expected to adhere to the laws, customs, and traditions of the Nation. The proposed bylaws comply and there are no conflicts with the Code of Ethics.

F. Social Media Policy [2 O.C. 218]. This law 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. ONCOA 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 [2 O.C. 215] 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 ONCOA must comply with the Social Media Policy in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(4)]. The bylaws go beyond this law and contain a provision that ONCOA must follow their Oath of Office and are also prohibited from posting any information related to ONCOA meetings or business on social media without approval from the bylaws or a majority vote of ONCOA [Proposed Bylaws 4-4(b)]. The proposed bylaws comply and there are no conflicts with the Social Media Policy.

G. Computer Resources Ordinance [2 O.C. 215]. ONCOA members are considered users under this law and must comply with the established requirements to ensure appropriate use of the Nation's computer resources. The bylaws comply and there are no conflicts with the Computer Resources Ordinance. Members of an entity 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.

- 322 H. Travel and Expense Policy [2 O.C. 219]. Members of the ONCOA are eligible to be reimbursed  
323 for travel and per diem to attend a conference or training in accordance with this policy. The BCSO  
324 will have sign-off authority over requests for stipends, travel per diem and business expense  
325 reimbursement [*Proposed Bylaws 2-8(a)(1)(A)*]. All travel must be authorized by two (2) Officers  
326 [*Proposed Bylaws 2-8(a)*] in accordance with the Travel and Expense Policy [2 O.C. 219.4-2].  
327 ONCOA will approve all board travel by majority vote of the board [*Proposed Bylaws 2-8(b)*] in  
328 accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. The  
329 proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.  
330
- 331 I. Conflict of Interest [2 O.C. 217]. This law applies to ONCOA and establishes specific limitations  
332 to which information or materials that are confidential or may be used by a competitor of the  
333 Nation's enterprises or interests may be used to protect the interests of the Nation. The Boards,  
334 Committees and Commissions law establishes that amended bylaws require members to disclose  
335 potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The proposed bylaws  
336 include an additional provision that requires disclosure when any familial relationships exist  
337 between a Commissioner and any other party whom ONCOA will be formally interacting with.  
338 The potentially conflicted Commissioner or any other Commissioner with knowledge of the  
339 relationship must disclose the existence of the relationship to ONCOA. ONCOA will vote to  
340 determine if a conflict exists and if so the conflicted ONCOA member will be required to recuse  
341 themselves [*Proposed Bylaws 4-5(d)*]. This aligns with the Conflict of Interest law of the Nation  
342 which allows for entities to outline further conflicts and prohibited activities resulting from those  
343 conflicts of interest [2 O.C. 217.7-2]. Penalties for failure to disclose conflicts of interest include  
344 a removal petition in accordance with the Removal Law for elected members, termination of  
345 appointment in accordance with the Boards, Committees and Commissions law for appointed  
346 members, and enforcement of any penalties in accordance with the laws of the Nation [2 O.C.  
347 217.6-2 and 6-3]. The proposed bylaws comply and there are no conflicts with the Conflict of  
348 Interest law.  
349
- 350 J. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained  
351 and made available to the public [1 O.C. 107.15] and that meetings are open to the public unless  
352 specific criteria are met which allow the meetings to be closed [1 O.C. 107.17]. Public notice of  
353 meetings is also required by this law [1 O.C. 107.15-1]. The bylaws delegate the maintenance of  
354 the records to the ONCOA Secretary [*Proposed Bylaws 2-4(a) and 6-3*]. ONCOA meetings are  
355 open to the public except portions that meet the exceptions in this law related to personnel matters  
356 or contracts are being discussed and deemed confidential [*Proposed Bylaws 3-4*]. Meeting packets  
357 and backup materials are available to all ONCOA members [*Proposed Bylaws 6-1(b)*] and in  
358 accordance with this law which states that any requestor has the right to make or receive a copy of  
359 a public record [1 O.C. 107.7-2]. The proposed bylaws comply and there are no conflicts with the  
360 Open Records and Open Meetings law.  
361
- 362 K. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. ONCOA is considered an entity  
363 [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this  
364 law and members of ONCOA are authorized to travel in the Nation's vehicles. The law requires  
365 the Human Resources Department or designee to ensure drivers, including ONCOA members, are  
366 certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires  
367 ONCOA members (officials) to have written consent from the ONCOA prior to being approved to  
368 use a Tribal vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources  
369 Department with the appropriate license, training certifications, and insurance information [2 O.C.  
370 210.8-1]. Additionally, ONCOA members must abide by all reporting requirements in this law [2  
371 O.C. 210.9-2].



- 372 a. ONCOA members who violate this law may be subject to:
- 373 i. any laws regarding sanctions or penalties; and
- 374 ii. termination of appointment following the Boards, Committees and Commissions
- 375 law [1 O.C. 105].

## ONEIDA NATION COMMISSION ON AGING BYLAWS

The purpose of the Oneida Nation Commission on Aging shall be to adhere to the Oneida Nation's Vision, Mission and Priorities and to be knowledgeable and supportive of all programs and services to meet the needs of the Elder members of the Oneida Nation.

### 1. Article I. Authority

1.1. *Name:* The name of this Commission shall be the Oneida Nation Commission on Aging and may be referred to as ONCOA.

1.2. *Authority.* ONCOA 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 on June 25, 2003 and amended on December 13, 2011 and July 11, 2012.

1.3. *Office.* The official mailing address of this entity shall be:

Oneida Nation Commission on Aging  
P.O. Box 365  
Oneida, WI 54155

The physical meeting place shall be determined at a meeting of this entity and may change from time to time as determined by the entity, and shall be within the Oneida Reservation Boundaries unless noticed to the membership prior to designating the meeting location.

1.4. *Membership.* ONCOA shall be made up as follows:

1.4.1. *Number of Members.* There shall be nine (9) Commissioners on ONCOA who shall be enrolled Oneida Tribal members who are age 55 or older and reside in Brown or Outagamie County.

1.4.2. *How elected or appointed.* Commissioners of ONCOA shall be elected in accordance with the Oneida Election Law.

1.4.3. *Terms.* Commissioners of ONCOA shall serve for terms of three (3) years, so arranged that, as nearly as practicable, the terms of one-third (1/3) of the ONCOA Commissioners shall expire each year. No Commissioner may serve more than two consecutive three (3) year terms.<sup>1</sup> A period of not less than one (1) year shall lapse before a Commissioner, who has completed two consecutive terms, may be eligible for another term as Commissioner.

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<sup>1</sup>Wis. Stat. 46.82(4)(c).

## ONEIDA NATION COMMISSION ON AGING BYLAWS

1.4.4 *Vacancies.* Vacancies on ONCOA shall be filled by an appointment from ONCOA. The appointment shall be the person who received the most votes during the previous election without being elected to ONCOA. This procedure shall be repeated as necessary until all vacancies are filled. Such Commissioner shall serve the remainder of the unexpired term he or she is appointed to.

1.4.5 *Removal / Resignation.*

1.4.5.1 A Commissioner may be removed from office in accordance with the Removal Law.

1.4.5.2 Four (4) unexcused absences within one year from any duly called meeting by an elected Commissioner may be cause for removal. Failure to contact ONCOA or staff before a meeting is held constitutes an unexcused absence.

1.4.5.3 Resignation - Resignation of any Commissioner shall be submitted in writing to the ONCOA Chairperson to be presented at the next regular ONCOA meeting for action.

### 2 Article II. Officers

2.1 *Officers.* ONCOA shall have three officers: Chairperson, Vice Chairperson and Secretary. The officers of ONCOA shall perform other duties as may be required or requested by the Oneida Business Committee or Oneida General Tribal Council.

2.2. *How Chosen and length of term.* The tenure of the officers shall be for one (1) year by election of ONCOA within thirty (30) days after the newly elected Commissioners have been sworn in by the Oneida Business Committee.

2.3. *Chairperson duties.*

2.3.1. The Chairperson shall preside at all meetings of ONCOA and maintain orderly discussions at such meetings.

2.3.2. The Chairperson shall be responsible for calling and developing an agenda in conjunction with the ONCOA Secretary for all meetings—regular, special and emergency.

2.3.3. The Chairperson shall receive, review and monitor all correspondence of ONCOA and present a quarterly report of ONCOA activities to the Oneida Business Committee.

2.3.4. The Chairperson shall be responsible for submitting the approved meeting

## ONEIDA NATION COMMISSION ON AGING BYLAWS

minutes of ONCOA to the Oneida Business Committee Secretary.

- 2.3.5. The Chairperson shall be responsible for submitting an approved ONCOA report for the Semi-Annual and Annual Report to the Oneida General Tribal Council for inclusion in reports to the Tribal membership.
- 2.3.6. The Chairperson shall oversee the appropriate and/or required reports are submitted to agencies and other resources of funding in a timely manner.
- 2.3.7. The Chairperson shall provide monthly budget updates at duly called regular meetings.
- 2.3.8. The Chairperson shall sign all correspondence of ONCOA including stipends, letters of correspondence, reports, and commission expenses, except for any checks or authorization of the Chairperson's own stipends or expenses.
- 2.3.9. The Chairperson shall meet with the Oneida Business Committee Liaison and Elderly Services Director periodically to discuss Elder Services Activities.
- 2.3.10. Other duties as appointed by the Commission.

### 2.4. *Vice Chairperson Duties*

- 2.4.1. The Vice Chairperson shall perform the duties of the Chairperson in the absence or the incapacity of the Chairperson. In case of resignation or death of the Chairperson, the Vice Chairperson shall become the Chairperson for the remainder of the term or until election of officers has occurred.
- 2.4.2. The Vice Chairperson shall receive and record all donations of funds to ONCOA and submit it to the Oneida Accounting Office per the Cash Handling Policy and Procedures.
- 2.4.3. The Vice Chairperson shall have second sign-off authority on stipends and other ONCOA expenses except for any checks or authorization of the Vice Chairperson's own stipends or expenses.
- 2.4.4. Other duties as appointed by ONCOA.

### 2.5. *Secretary Duties*

- 2.5.1. The Secretary shall be responsible to ensure ONCOA meeting minutes are recorded and reviewed by the ONCOA Commissioners.
- 2.5.2. The Secretary shall sign, date, and file approved ONCOA minutes.

## ONEIDA NATION COMMISSION ON AGING BYLAWS

- 2.5.3. The Secretary shall be responsible to coordinate, in conjunction with the Chairperson, regular, special and emergency ONCOA meetings.
- 2.5.4. The Secretary shall have sign off authority on stipends and ONCOA expenses when the Chairperson and Vice Chairperson are not available, except for any checks or authorization of the Secretary's own stipends and expenses.
- 2.5.5. The Secretary shall have the authority to call to order and preside at duly called meetings of ONCOA in the absence of the Chairperson and Vice Chairperson.
- 2.5.6. Other duties as appointed by ONCOA.

### 2.6. *Commissioner Duties*

- 2.6.1. Commissioners shall attend regularly scheduled ONCOA meetings and participate in discussion.
- 2.6.2. Commissioners shall attend special or emergency meetings, training and workshops approved by ONCOA unless excused.
- 2.6.3. Commissioners shall participate in advocacy efforts.
- 2.6.4. Commissioners shall take time to read ONCOA reports and minutes prior to meetings.
- 2.6.5. Other duties as appointed by ONCOA.

### 2.7. *Personnel*

- 2.7.1. ONCOA shall have the authority to hire personnel for the benefit of the entity, provided that such position is provided for in the annual ONCOA budget.

### 2.8. *Standing and Special Committees*

- 2.8.1. Standing and special committees shall be created when necessary and filled by a Commissioner of ONCOA.
- 2.8.2. A majority vote of ONCOA Commissioners present at a duly called meeting shall be required to create a special committee. When so created, such committee members shall be appointed by the Chairperson and the appointment shall be terminated upon completion of their term which ordinarily shall result in a written report to the Commission. Should a Committee be established which for whatever reason is no longer meeting a valid need or goal of the Committee it may be terminated by a majority vote of ONCOA at any time.

## ONEIDA NATION COMMISSION ON AGING BYLAWS

### 3. Article III. Meetings

3.1. A duly called meeting is a meeting ONCOA had determined to be required for all Commissioners to attend. Such meetings shall include but not be limited to regular, special and emergency meetings; and workshops and training related to elder issues.

#### 3.2. *Regular meetings.*

3.2.1 Regular meetings of ONCOA shall be held on the second Tuesday of each month at 1:00 p.m. Notices of meeting, location, and agenda shall be forwarded to the Oneida Business Committee Liaison and other interested parties by the Chairperson with the assistance of the Secretary. Meetings shall be run in accordance with Robert's Rules of Order.

#### 3.3. *Emergency meetings*

3.3.1. An emergency meeting shall convene outside of regular or special meetings to address an urgent matter.

3.3.2. An emergency meeting may be called by the Chairperson or a quorum of ONCOA. The emergency causing the meeting shall be set forth in the minutes.

#### 3.4 *Special meetings*

3.4.1. A special meeting may be called by the Chairperson, by the Vice Chairperson in absence of the Chairperson, or by a quorum of ONCOA.

3.4.2. Special meetings are to address specific issues of ONCOA and/or convene at a time outside of the regular meeting time.

3.4.3. Special meetings shall require at least a twenty-four (24) hour notice to each Commissioner.

#### 3.5. *Quorum*

3.5.1. A quorum of ONCOA shall be required for action and shall consist of five (5) Commissioners; one (1) of which shall be the Chairperson, Vice Chairperson or Secretary.

#### 3.6. *Order of Business*

3.6.1. Call to Order

3.6.2. Welcome and Prayer

## ONEIDA NATION COMMISSION ON AGING BYLAWS

- 3.6.3. Roll Call
- 3.6.4. Approval of Current Agenda
- 3.6.5. Approval of previous meeting minutes (if any)
- 3.6.6. Reports
- 3.6.7. Tabled Business
- 3.6.8. Old Business
- 3.6.9. New Business
- 3.6.10. Executive Session.
- 3.6.11. Adjournment.
- 3.6.12. This order may be modified or changed by the Chairperson depending on expediency and the need for each item in need of consideration.
- 3.7. *Voting.*
  - 3.7.1. Decisions of ONCOA shall be based on a majority of a quorum of Commissioners present at a regular, special or emergency called meeting. The officer presiding at a meeting shall vote only in case of a tie.
- 3.8. *Closed and/or Confidential Session*
  - 3.8.1. Meetings of ONCOA shall be open to the general public unless otherwise allowed under these bylaws.
  - 3.8.2. Portions of any regular, special and/or emergency meetings may be closed to address personnel issues, sensitive client issues, or community sensitive issues for the purpose of confidentiality and shall be addressed under the Executive Session portion of the agenda.
- 3.9. *Stipends*
  - 3.9.1. An ONCOA Commissioner shall be eligible for a stipend for each duly called regular, special or emergency meeting in the amount of \$75.00 provided a quorum was met for at least an hour, the Commissioner attended the meeting for at least an hour, and budget has been provided for such stipends. NOTE: On November 14, 2001, the Oneida Business Committee, per the Comprehensive Policy



## ONEIDA NATION COMMISSION ON AGING BYLAWS

Governing Boards, Committees and Commissions approved an exception to increase the stipend fees from \$50.00 to \$75.00 contingent upon funding.

- 3.9.2. A stipend request shall be accompanied by the meeting sign in sheet which notates the meeting start and end times and stipend request form appropriately signed by two (2) of the three (3) officers of ONCOA.
- 3.9.3. In accordance with the Oneida Comprehensive Policy Governing Boards, Committees and Commissions, in addition to any per diem, Commissioners who are required to attend trainings and workshops in accordance with 2.6.2 shall be eligible for a stipend in the amount of \$100.00 for each full day they are present at the conference. Provided that, no payments shall be made for those days spent traveling to and from the training or workshop. This payment is contingent upon funding.

### 4. Article IV. Reporting

#### 4.1. Format. Agenda items shall be in a format approved by ONCOA.

- 4.1.1. Items to be on the agenda shall be provided at the meeting.
- 4.1.2. Packets of the proposed agenda and the backup documentation shall be made available to ONCOA Commissioners. Executive session items shall be stamped confidential and returned to the Secretary after the meeting for filing and disposal.

#### 4.2. Minutes. Minutes for each meeting shall be typed and in consistent format designed to generate the most informative record of the meetings of the entity.

#### 4.3. Attachments. Handouts, reports, memoranda and the like 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.

#### 4.4. External Reporting

- 4.4.1. Only the Chairperson shall report to the Oneida General Tribal Council, Oneida Business Committee and the designated Business Committee Liaison unless another Commissioner is formally delegated the responsibility to do this reporting by ONCOA.
- 4.4.2. A quarterly report for ONCOA shall be made by the Chairperson or a designated Commissioner at a specified Oneida Business Committee meeting.
- 4.4.3. Only a formally delegated Commissioner shall represent ONCOA when reporting to any groups of people, including internal and external meetings or gatherings.

## ONEIDA NATION COMMISSION ON AGING BYLAWS

### 4.5. Oneida General Tribal Council

- 4.5.1. The Chairperson or a designated officer shall represent ONCOA when reporting to the Oneida General Tribal Council as required for Oneida General Tribal Council Annual and Semi-Annual meetings.

### 5. Article V. Educational Requirements

- 5.1. *Training.* Training shall be mandatory and shall be contingent on funding. Exceptions may be made for good cause shown regarding specific training events, however, alternative training shall be provided that insures that all ONCOA Commissioners are equally knowledgeable of their duties and responsibilities.

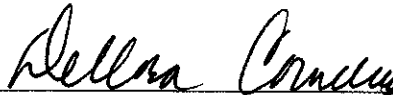
### 6. Article VI. Amendments

#### 6.1. Amendments to Bylaws

- 6.1.1. ONCOA shall adopt, amend or repeal any provisions of these bylaws at a duly called regular meeting by a majority vote, provided that the proposed amendments have been submitted in writing at a regular meeting of ONCOA. Amendments are effective immediately upon adoption by ONCOA with subsequent approval of the Legislative Operating Committee and the Oneida Business Committee.
- 6.1.2. ONCOA shall conduct a review of these bylaws to determine that they remain current, as needed.

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These bylaws, as amended and revised are hereby attested to as adopted by the Oneida Nation Commission on Aging at a duly called meeting on the 26<sup>th</sup> day of June, 2012 by the Chairperson of the Oneida Nation Commission on Aging's signature.

  
DELLORA CORNELIUS, CHAIRPERSON  
ONEIDA NATION COMMISSION ON AGING

and approved by the Oneida Business Committee at a duly called meeting held on the 11<sup>th</sup> day of July, 2012 by the Secretary of the Oneida Business Committee's signature.

  
PATRICIA NINHAM HOEFT, SECRETARY  
ONEIDA BUSINESS COMMITTEE

**Oneida Business Committee Agenda Request**

Approve the Pardon and Forgiveness Screening Committee bylaws amendments

**1. Meeting Date Requested:** 10 / 9 / 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.

**PARDON AND FORGIVENESS SCREENING COMMITTEE BYLAWS****Article I. Authority**

1-1. *Name.* The name of this entity shall be the Pardon and Forgiveness Screening Committee and may hereinafter be referred to as the “PFSC.”

1-2. *Establishment.* The PFSC was originally established by the Oneida Pardon Ordinance through adoption of resolution BC-07-31-02-A, which was repealed by and replaced with the Pardon and Forgiveness law, through adoption of resolution BC-05-25-11-A as amended by resolution BC-01-22-14-B.

1-3. *Authority.*

(a) *Purpose.* The purpose of the PFSC is to provide a fair, efficient and formal process for considering pardons and forgiveness by:

- (1) Promulgating internal standard operating procedures necessary to govern its proceedings;
- (2) Reviewing and processing applications for a pardon or forgiveness in an orderly and expeditious manner;
- (3) Reviewing an applicant’s background investigation report received from the Oneida Human Resources Department;
- (4) Conducting and presiding over hearings to obtain a pardon or forgiveness from the Nation;
- (5) Providing formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application;
- (6) Taking other actions reasonably related to the purpose of the PFSC; and
- (7) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Pardon and Forgiveness law.

(b) The PFSC does not:

- (1) Have authority to enter into contracts; or
- (2) Have authority to create policy or legislative rules.

1-4. *Office.* The Official mailing address of the PFSC shall be:  
Pardon and Forgiveness Screening Committee  
P.O. Box 365  
Oneida, WI 54155

1-5. *Membership.*

(a) *Number of Members.* The PFSC shall consist of four (4) members and four (4) alternates from three (3) representative areas who shall serve a term consistent with that of the Oneida Business Committee’s term of office.

(1) The three (3) representative areas shall be made up of:

- (A) One (1) member and one (1) alternate representative from the Oneida Police Department;

- 46 (B) Once (1) member and one (1) alternate representative from  
47 the Oneida Social Services Department; and  
48 (C) Two (2) member and two (2) alternate representatives from  
49 the community-at-large.  
50 (i) One (1) member and one (1) alternate representative  
51 of the community-at-large shall be an elder of fifty-  
52 five (55) years of age or older; and  
53 (ii) One (1) member and one (1) alternate representative  
54 of the community-at-large shall be twenty-five (25)  
55 years of age or older.
- 56 (b) *Appointment.* PFSC members and alternates shall be appointed by the  
57 Oneida Business Committee in accordance with the Boards, Committees  
58 and Commissions law. Each member and alternate shall remain in office as  
59 follows:  
60 (1) If his or her term has expired, until a successor has been sworn in by  
61 the Oneida Business Committee;  
62 (2) Until his or her resignation; or  
63 (A) A member or alternate may resign any time verbally at a  
64 meeting or by delivering written notice to the Oneida  
65 Business Committee Support Office and PFSC Chairperson  
66 or the Chairperson's designee. The resignation is effective  
67 upon acceptance by motion of a member's or alternate's  
68 verbal resignation or upon delivery of the written notices.  
69 (3) Until his or her appointment is terminated in accordance with the  
70 Boards, Committees and Commissions law.
- 71 (c) *Vacancies.* Vacancies for any reason, whether caused by term expiration,  
72 death, termination or resignation, shall be filled in accordance with the  
73 Boards, Committees and Commissions law for the remainder of the term.  
74 (1) The PFSC's Chairperson shall provide the Oneida Business  
75 Committee recommendations on all applications for appointment by  
76 the executive session in which the appointment is intended to be  
77 made.
- 78 (d) *Qualifications.* PFSC members and alternates shall meet the following  
79 qualifications:  
80 (1) The PFSC member and alternate representative from the Oneida  
81 Police Department shall:  
82 (A) Be an enrolled member of the Oneida Nation; and  
83 (B) Have a written recommendation from the Chief of Police for  
84 appointment to the PFSC.  
85 (2) The PFSC member and alternate representative from the Oneida  
86 Social Services Division shall:  
87 (A) Be an enrolled member of the Oneida Nation; and  
88 (B) Have a written recommendation from the Division Director  
89 for the Governmental Services Division for appointment to  
90 the PFSC.

- (3) The PFSC member and alternate representatives from the community-at-large shall:
- (A) Be an enrolled member of the Oneida Nation;
  - (B) Reside in Brown or Outagamie County;
  - (C) For one (1) member and one (1) alternate, be at least twenty-five (25) years of age, and for the other one (1) member and one (1) alternate, be an elder of fifty-five (55) years of age or older; and
  - (D) Pass a background check.

- 1-6. *Termination.* A PFSC member or alternate may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.
- (a) In addition to any of the causes for termination already identified within the laws and policies of the Nation, a violation of these bylaws may result in the PFSC making a recommendation to the Oneida Business Committee for the termination of a member's or alternate's appointment.
    - (1) Recommendations to the Oneida Business Committee for termination of a PFSC member's or alternate's appointment must be determined by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.
- 1-7. *Trainings and Conferences.* None required.

## Article II. Officers

- 2-1. *Officers.* The PFSC shall have two (2) Officers: Chairperson and Vice-Chairperson.
- 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the PFSC Chairperson shall be as follows:
- (a) Call and preside over all meetings and hearings of the PFSC;
  - (b) Along with the Oneida Business Committee Support Office, provide notice of regular meetings, emergency meetings and hearings of the PFSC in accordance with the Boards, Committees and Commissions law, the Pardon and Forgiveness law, and the Open Records and Open Meetings law;
  - (c) Forward, or through a designee have forwarded, the notice of meeting locations, agendas, materials and minutes in accordance with these bylaws and the Open Records and Open Meetings law;
  - (d) Along with the Oneida Business Committee Support Office, 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;
  - (e) Attend, or designate a PFSC member to attend, the Oneida Business Committee meeting in which the PFSC's quarterly report appears on the agenda;
  - (f) Draft and sign recommendations of the PFSC;
  - (g) Submit applicant recommendations to fill vacancies to the Oneida Business Committee for consideration; and

- (h) Perform all other duties as assigned by majority vote of the members/ alternates in attendance at a PFSC meeting of an established quorum.

2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the PFSC Vice-Chairperson shall be as follows:

- (a) In the absence or incapacity of the PFSC Chairperson, the PFSC Vice-Chairperson shall perform the duties of the PFSC Chairperson.

2-4. *Selection of Officers.* The PFSC shall elect Officer positions at the first duly called PFSC meeting.

- (a) The Officer positions shall be chosen by majority vote of the members or their alternates in attendance at the PFSC meeting of an established quorum.  
(b) The vote shall be made part of the PFSC record.  
(c) PFSC Officers may hold only (1) Officer position at any one (1) time.  
(d) PFSC Officers may be dismissed from their Officer position by majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.

2-5. *Personnel.* The PFSC shall not have authority to hire personnel for the benefit of the PFSC.

- (a) The Oneida Business Committee Support Office shall assist the PFSC on behalf of the Tribal Secretary and in accordance with the Pardon and Forgiveness law with fulfilling the following administrative duties in accordance with these bylaws and the governing law:

- (1) Keeping minutes of the PFSC meetings;  
(2) Along with the Chairperson, providing notice of regular meetings, emergency meetings and hearings of the PFSC;  
(3) Acting as custodian of the records;  
(4) Attending to all correspondence and presenting to the PFSC all official communications received by the PFSC;  
(5) Along with the Chairperson, submitting annual and semi-annual reports to the Oneida General Tribal Council and submitting quarterly reports to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law; and  
(6) Administering the PFSC budget.

2-6. *Budgetary Sign-Off Authority and Travel.* The PFSC shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority for the PFSC 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 PFSC Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:  
(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.



- (b) The PFSC shall approve a member's or alternate's request to travel on behalf of the PFSC by majority vote of the members or their alternates present at a regular or emergency PFSC meeting of an established quorum.

### Article III. Meetings

3-1. *Regular Meetings.* Regular meetings shall occur on a quarterly basis and be held on the third Monday of the month each quarter at the Norbert Hill Center located in Oneida, Wisconsin, commencing at 10:00 a.m.

- (a) The regular meeting date, time and/or place may be reviewed by the PFSC from time-to-time and changed as determined necessary by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum so long as advance notice is provided to all members in writing and, along with the public, in accordance with 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, materials and minutes shall be forwarded by the Chairperson or the Chairperson's designee to all PFSC members in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.

- (c) Meetings shall be run in accordance with Robert's Rules of Order or another method approved by the Oneida Business Committee.

3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues require immediate action.

- (a) Emergency meetings of the PFSC may be called by the Chairperson or upon written request of any two (2) PFSC members.

- (b) Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson or Chairperson's designee to all PFSC members by telephone call, as well as in writing, and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.

- (c) Within seventy-two (72) hours after an emergency meeting, the PFSC 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 between the PFSC and the Oneida Business Committee shall not be held.

3-4. *Hearings.* Hearings shall be held in accordance with the Pardon and Forgiveness law.

3-5. *Quorum.* A quorum shall consist of at least three (3) PFSC members or their alternates and shall include the Chairperson or Vice-Chairperson.

- (a) The alternate will assume the role of the member that he or she is replacing, including the Chairperson and/or Vice-Chairperson.

3-6. *Order of Business.* The regular meetings of the PFSC shall follow the order of business as set out herein:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Previous Minutes
- (d) Old Business
- (e) New Business
- (f) Executive Session
- (g) Adjournment

3-7. *Voting.* Decisions of the PFSC shall be by majority vote of the members or their alternates in attendance at a PFSC meeting or hearing of an established quorum.

- (a) The Chairperson, or Vice-Chairperson when presiding in lieu of the Chairperson, shall not be allowed to vote unless a tie needs to be broken.
- (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 in the Chairperson's absence or discretion.

#### Article IV. Expectations

4-1. *Behavior of Members.* PFSC members and alternates are expected to treat each other in accordance with the Nation's core values of The Good Mind as expressed by OnꞤyoteꞤaꞤka, which includes:

- (a) KahletsyalꞤs la. The heart felt encouragement of the best in each of us.
- (b) KanolukhwꞤs la. Compassion, caring, identity, and joy of being.
- (c) KaꞤnikuhliꞤyꞤ. The openness of the good spirit and mind.
- (d) KaꞤtshatstꞤs la. The strength of belief and vision as a People.
- (e) KalihwiꞤyꞤ. The use of the good words about ourselves, our Nation, and our future.
- (f) TwahwahtsꞤlayꞤ. All of us are family.
- (g) YukwatsꞤstayꞤ. Our fire, our spirit within each one of us.

(1) A failure by a member or alternate to act in accordance with this or any other section of these bylaws and/or any governing laws of the Nation may be cause for:

- (A) The PFSC to recommend to the Oneida Business Committee that it terminate his or her appointment in accordance with the Boards, Committees and Commissions law; and/or
- (B) The PFSC taking disciplinary action against him or her in accordance with any law or policy of the Nation providing sanctions and/or penalties for appointed officials.

(2) Recommendations to the Oneida Business Committee for termination of a PFSC member's or alternate's appointment must be determined by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.

274  
275 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member or alternate of  
276 the PFSC that inflicts, attempts to inflict, or threatens to inflict emotional or  
277 bodily harm on another person, or damage to property, during a meeting or  
278 when acting in an official capacity are strictly prohibited and grounds for  
279 an immediate recommendation for termination of appointment from the  
280 PFSC and/or the imposition of sanctions and/or penalties according to laws  
281 and of the Nation as determined by majority vote of the members or their  
282 alternates in attendance at a PFSC meeting of an established quorum.

283  
284 4-3. *Drug and Alcohol Use.* Use of alcohol and illegal drugs by members or alternates of the  
285 PFSC when acting in their official capacity is strictly prohibited.

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

292  
293 4-4. *Social Media.* PFSC members and alternates shall use social media in accordance with  
294 their Oath of Office and the Nation's Social Media Policy.

- 295 (a) PFSC members and alternates shall further refrain from posting, attaching  
296 or writing anything relating to PFSC business or activities on any social  
297 media outlet.

- 298 (1) Posting notices of meetings, public hearings, and/or cancellations on  
299 social media outlets is acceptable.

300  
301 4-5. *Conflict of Interest.* PFSC members and alternates shall abide by all laws of the Nation  
302 governing conflicts of interest. PFSC members and alternates must submit  
303 a Conflict of Interest Disclosure form upon Oath of Office and annually.

## 304 305 **Article V. Stipends and Compensation**

306 5-1. *Stipends.* Stipend eligibility shall be governed by these bylaws; the Boards,  
307 Committees and Commissions law; resolution BC-05-08-19-B titled,  
308 Amending Resolution BC-09-26-18-D Boards, Committees and  
309 Commissions Law Stipends, as may be further amended from time-to-time  
310 hereafter; and as follows:

- 311 (a) Community-at-large PFSC members and alternates shall be paid one (1)  
312 monthly meeting stipend.  
313 (b) Community-at-large PFSC members and alternates shall be paid a stipend  
314 for conducting an official hearing of the PFSC.  
315 (c) Member and alternate representatives from the Oneida Police Department  
316 and the Oneida Social Services Department shall not collect stipends despite  
317 their eligibility.

- 319 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement  
320 authorized by the Boards, Committees and Commissions law, PFSC  
321 members and alternates are not eligible for any other type of compensation  
322 for duties/activities they perform on behalf of the PFSC.  
323

## 324 **Article VI. Records and Reporting**

- 325 6-1. *Agenda Items.* Agendas shall be maintained in a format approved by the Oneida Business  
326 Committee Support Office.  
327

- 328 6-2. *Minutes.* PFSC minutes shall be typed in a format approved by the Oneida Business  
329 Committee Support Office to generate the most informative record of the  
330 meeting, including, but not limited to, showing a summary of the action  
331 taken by the PFSC.

- 332 (a) When minutes are not taken by the Oneida Business Committee Support  
333 Office or if the PFSC requires approval of the minutes in advance thereof,  
334 the PFSC shall submit minutes to the Oneida Business Committee Support  
335 Office within thirty (30) days of the PFSC's meeting or receipt of the  
336 minutes for approval.  
337

- 338 6-3. *Attachments.* Handouts, attachments, memoranda, and the like shall be attached to the  
339 corresponding meeting minutes and agenda.

- 340 (a) Agendas, minutes and attachments shall be kept electronically by the  
341 Oneida Business Committee Support Office.  
342

- 343 6-4. *Oneida Business Committee Liaison.* The PFSC shall regularly communicate with the  
344 Oneida Business Committee member who is its designated liaison.

- 345 (a) The frequency and method of communication shall be as agreed upon by  
346 the PFSC and the liaison, but no less than that required in any law or policy  
347 on reporting developed by the Oneida Business Committee or Oneida  
348 General Tribal Council.

- 349 (b) The purpose of the liaison relationship is to uphold the ability of the liaison  
350 to act as a support to the PFSC.  
351

- 352 6-5. *Audio Recordings.* All meetings and hearings of the PFSC shall be audio recorded by the  
353 Oneida Business Committee Support Office using a device supplied by  
354 either the Oneida Business Committee Support Office or the PFSC.

- 355 (a) Audio recordings of the PFSC meetings shall be maintained by the Oneida  
356 Business Committee Support Office.

- 357 (b) *Exception.* Audio recordings of executive session portions of a meeting or  
358 hearing shall not be required.  
359

## 360 **Article VII. Amendments**

- 361 7-1. *Amendments.* Upon written notice, the PFSC may amend these bylaws by a majority vote  
362 of the members or their alternates in attendance at a PFSC meeting of an  
363 established quorum.

- 364 (a) Amendments to these bylaws shall conform to the requirements of the  
365 Boards, Committees and Commissions law and any other governing  
366 policies of the Nation.  
367 (b) Amendments to these bylaws shall be approved by the Oneida Business  
368 Committee prior to implementation.  
369 (c) The PFSC shall review these bylaws no less than on an annual basis.  
370  
371  
372  
373  
374  
375

[ SIGNATURE BLOCK FOR APPROVAL OF PFSC AND OBC]



## Pardon and Forgiveness Screening Committee Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P.Jordan	DRAFTER: Kristen M. Hboker	ANALYST: Maureen Rrkins
Complies with Boards, Committees and Commissions Law	These amendments comply with the Boards, Committees and Commissions law [1 O.C. 105.10].		
Intent of the Bylaws	The intent of these amendments is to comply Oneida Business Committee (OBC) directives for amendments included in all boards, committees and commissions bylaws.		
Purpose	The purpose of the Pardon and Forgiveness Screening Committee (PFSC) is to provide a fair, efficient and formal process for considering pardons and forgiveness by creating internal standard operating procedures necessary to govern proceedings, reviewing and processing applications for pardons and forgiveness, conducting and presiding over hearings and interviewing applicants, and providing formal written recommendations to the OBC to deny or approve pardon and forgiveness applications [Proposed Bylaws 1-3(a)].		
Related Legislation	Oneida Nation Constitution, Pardon and Forgiveness law, Boards, Committees and Commissions law, Open Records Open Meetings Law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	The Boards, Committees and Commissions law provides the enforcement process for appointed members. Members of the PFSC serve at the discretion of the OBC. Upon the recommendation of a member of the OBC or by majority vote of the PFSC, a member of the PFSC 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 PFSC bylaws amendments were added to the active files list on October 3, 2018, with David P. Jordan as the sponsor.
- B. The PFSC was originally established in the Pardon and Forgiveness law as adopted by Resolution BC-07-31-02-C. Previous versions of this committee existed in conjunction with the Pardon Ordinance originally adopted by Resolution BC-02-19-93-J.
- C. The current PFSC bylaws were approved by the OBC on February 27, 2019. There are additional changes the OBC directed for all the Nation's boards, committees and commissions bylaws in addition to those changes required per the Boards, Committees and Commissions law. This analysis reviews those additional directed changes.



### 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 digibility 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 from the bylaws amendments adopted on February 27, 2019.

- A. Termination. A provision was added requiring any recommendation from the PFSC to the OBC to consider terminating an appointment on the PFSC must be by majority vote of PFSC members present at a meeting with an established quorum [*Proposed Bylaws 1-6(a)(1)*] and [*Proposed Bylaws 4-1(g)(2)*].
- B. Open Records and Open Meetings. A reference was added that notice of meetings will meet requirements in the Nation’s Open Records and Open Meetings [*Proposed Bylaws 2-2(b) and 3-2(b)*] and [*1 O.C. 105.10-3(f)*] and [*1 O.C. 107.15*]. Meeting locations, agendas, materials and minutes will be forwarded by the Chairperson or designee in accordance with the Nation’s Open Records and Open Meetings law [*Proposed Bylaws 2-2(c)*]. Notification of meetings will be provided in writing to all PFSC members in accordance with the Open Records and Open Meetings law [*Proposed Bylaws 3-1(b)*] and [*1 O.C. 107.15*].
- C. Officers. A reference was added that the Chairperson will notice regular meetings, emergency meetings and hearings of the PFSC in accordance with the Pardon and Forgiveness law [*Proposed Bylaws 2-2(b)*] [*1 O.C. 126.8-1*]. A provision was added that Officers may only hold one (1) Officer position at a time [*Proposed Bylaws 2-4(c)*]. A provision was added that PFSC members may be dismissed from an Officer position by majority vote of members or alternates at a meeting with an established quorum [*Proposed Bylaws 2-4(d)*].
- D. Budgetary Sign-Off Authority and Travel. The sign-off authority levels have changed. The PFSC will follow the Nation’s policies and procedures regarding purchasing and sign-off authority and will use levels for budgetary sign-off authority that are set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manual for Area Directors/Enterprise Directors. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement. All PFSC Officers shall have sign-off authority and two (2) Officers must sign-off on budgetary requests [*Proposed Bylaws 2-6(a)*].
  - Although not applicable to the PFSC; the PFSC 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:
    - i. Budgeted items with three bids for items between \$3,000 and \$10,000;
    - ii. Unbudgeted items between \$1,000 and \$5,000; and
    - iii. Budgeted but side source items between \$1,000 and \$5,000.
  - 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 PFSC members in attendance at a regular or emergency PFSC meeting [*Proposed Bylaws 2-6(b)*] in accordance with the Boards, Committees and



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Commissions law [1 O.C. 105.10-3(b)(6)(B)]. PFSC 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].

- E. Social Media. PFSC members are required to follow their Oath of Office with respect to their use of social media [Proposed Bylaws 4-4].
- F. Compensation. PFSC members are only eligible for travel, per diem and business expense reimbursement [Proposed Bylaws 5-2] 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].
- G. Minutes. If the minutes were not taken by the BCSO or if the PFSC requires approval of the minutes in advance; the PFSC will submit minutes to the BCSO within thirty (30) days of the PFSC's meeting or receipt of the minutes for approval [Proposed Bylaws 6-2(a)].
- H. Amendments. Amendments to bylaws may be approved by members or their alternates in attendance at a PFSC meeting. Bylaws will be reviewed by the PFSC no less than on an annual basis [Proposed Bylaws 7-1].
- I. 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 detailed list of laws related to the proposed PFSC 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. Pardon and Forgiveness [1 O.C. Chapter 126]. This law defines the duties and responsibilities of the PFSC, OBC, Oneida Nation Secretary's Office, and other persons involved in the granting or denial of pardons and forgiveness. Additionally; the law contains notice requirements that the PFSC must meet [1 O.C. 126.8-1]. The Pardon and Forgiveness Screening Committee responsibilities in relation to this law are contained in the proposed bylaws Article I. 1-3(a)(1) through (6). The proposed bylaws comply and there are no conflicts with the Pardon and Forgiveness law.
- C. 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 PFSC 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. 105.10-1(a)]. The proposed bylaws comply and there are no conflicts with the Boards, Committees and Commissions law.
- D. Open Records and Open Meetings [1 O.C. Chapter 107]. This law details how records must be maintained and made available to the public. 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

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is also required by this law [1 O.C. 107.15-1]. The bylaws delegate the maintenance of the records to the BCSO [Proposed Bylaws 6-3(a)]. PFSC meetings are open to the public except portions that meet the exceptions in this law related to when personnel matters or contracts are being discussed and deemed confidential [Proposed Bylaws 3-1(a)]. Meeting packets and backup materials are available to all PFSC members [Proposed Bylaws 3-1(b)] and in accordance with this law which states that any requestor has the right to make or receive a copy of a public record [1 O.C. 107.7-2]. PFSC hearings are open to the public in accordance with the Pardon and Forgiveness law [1 O.C. 126.3-1(j)]. The Pardon and Forgiveness law requires that deliberation and recommendation meetings are held in executive session which are considered closed to the public [1 O.C. 126.8-5]. The proposed bylaws comply and there are no conflicts with the Open Records and Open Meetings law.

- E. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The PFSC is considered an entity [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 PFSC members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires PFSC members (officials) to have written consent from the PFSC 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, PFSC members must abide by all reporting requirements in this law [2 O.C. 210.9-2].

a. PFSC 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].

## PARDON AND FORGIVENESS SCREENING COMMITTEE BYLAWS

### Article I. Authority

1-1. *Name.* The name of this committee shall be the Pardon and Forgiveness Screening Committee, hereinafter referred to as "PFSC."

1-2. *Authority.* A PFSC was originally established in the Pardon and Forgiveness Law as adopted by Resolution BC-07-31-02-C.

1-3. *Office.* The official mailing address of the PFSC shall be:

Pardon and Forgiveness Screening Committee

P.O. Box 365

Oneida, WI 54155

1-4. *Membership.* The PFSC shall consist of five (5) enrolled Tribal members from three (3) representative areas who shall serve a term consistent with that of the Oneida Business Committee term of office.

(a) *How Chosen.* PFSC members shall be appointed by motion or resolution of the Oneida Business Committee. PFSC members shall include:

(1) A representative from the Oneida Police Department, recommended in writing by the Chief of Police, including two (2) alternates, submitted to the Tribal Secretary;

(2) A representative from the Oneida Social Services Department, recommended in writing by the Division Director for the Governmental Services Division, including two (2) alternates, submitted to the Tribal Secretary; and

(3) Three (3) representatives from the Oneida community-at-large, including three (3) alternates.

(A) At least one (1) community-at-large representative and one (1) alternate shall be an elder over the age of fifty-five (55).

(B) Preference for community-at-large representatives shall be given to Tribal members with a background in social services, probation/parole, law enforcement, legal services, public policy and similar fields.

(b) *Alternates.* If a PFSC member is absent or unable to participate in a meeting due to a conflict of interest, an alternate may serve in his or her place, provided that the alternate does not have a conflict of interest.

(c) *How Vacancies are Filled.* In case of a vacancy for any reason, including death, removal or resignation, the vacancy shall be filled in accordance with 1.4(a), for the remainder of the term.

(d) *Termination.* Termination of PFSC members' appointments shall be terminated in accordance with Section 6-5 of the Comprehensive Policy Governing Boards, Committees and Commissions.

(e) 2-5. *Resignations.* The resignation of a PFSC member is effective upon:

(1) Deliverance of a letter of resignation to the PFSC Chairperson, or designee, in accordance with Section 5-2(c)(1) of the Comprehensive Policy Governing Boards, Committees and Commissions; or

(2) In the event of a verbal resignation, the resignation is effective upon the PFSC's passage of a motion to accept such resignation, in accordance with Section 5-2(c)(2) of the Comprehensive Policy Governing Boards, Committees and Commissions.

1-5. *Purpose and Mission.* The purpose and mission of the PFSC is to provide a fair, efficient

and formal process for considering pardons and forgiveness.

## **Article II. Officers**

2-1. *Officers.* The PFSC shall have two (2) officers: Chairperson and Vice-Chairperson.

2-2. *Duties of the Chairperson.* The PFSC Chairperson shall:

- (a) Preside at all meetings of the PFSC;
- (b) Draft and sign recommendations of the PFSC;
- (c) Submit recommendations to the Tribal Secretary for consideration by the Oneida Business Committee;
- (d) Record meeting minutes in accordance with section 4-2 or delegate the responsibility; and
- (e) Other duties as assigned by the PFSC.

2-3. *Duties of the Vice-Chairperson.* In the absence or incapacity of the PFSC Chairperson, the PFSC Vice-Chairperson shall perform the duties of the PFSC Chairperson.

2-4. *How Chosen.* The PFSC shall elect officer positions at the first duly called PFSC meeting. The officer positions shall be chosen by majority vote of all PFSC members in attendance at the meeting. Said vote shall be made part of the PFSC record.

(a) *Length of Term.* The term of office for a PFSC officer shall coincide with his or her term on the PFSC.

(b) *Officer Vacancy.* In the event of a vacancy in an officer position, the PFSC shall vote to elect, for the remainder of the term, a new officer at a duly called PFSC meeting. The officer position shall be elected by majority vote of all present PFSC members.

2-5. *Tribal Secretary's Office.* The Tribal Secretary's Office shall assist the PFSC as set out in the Pardon and Forgiveness Law.

## **Article III. Meetings**

3-1. *Regular Meetings.* With the assistance of the Tribal Secretary, the PFSC shall schedule quarterly meetings.

(a) The meeting dates, time and location may change from time to time, as determined by the PFSC, with at least twenty-four (24) hour notice, but shall be within the Reservation boundaries unless notified to the PFSC membership prior to designating the meeting location.

(b) Notice of meeting location, agenda, and materials shall be forwarded by the Chairperson with the assistance of the Tribal Secretary's Office.

(c) PFSC 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. More than two (2) unexcused absences may result in termination.

3-2. *Special Meetings.* Special meetings of the PFSC may be called by a majority vote of the PFSC.

(a) Special meetings shall address a specific purpose(s) and convene at a time outside of the regularly scheduled quarterly meeting time.

(b) Special meetings shall require a written notice to each member of the PFSC at least twenty-four (24) hours prior to the meeting start time.

3-3. *Quorum.* A quorum shall consist of three (3) PFSC members or their alternates and shall include the Chairperson or Vice-Chairperson.

3-4. *Order of Business.* The agendas for the regular meetings of the PFSC shall contain the order of business as follows:

- (a) Call to Order and Approval of the Agenda
- (b) Current Business
- (c) Recess/Adjourn

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

3-6. *Stipends.* The community-at-large PFSC members shall be paid a stipend for each meeting which has established a quorum in the amount specified according to the Comprehensive Policy Governing Boards, Committees and Commissions. One (1) stipend shall be paid for each quarterly meeting which consists of:

- (a) Pre-public hearing meeting to deliberate the files;
- (b) Public hearing; and
- (c) Post-public hearing meeting to make a decision/recommendation.

#### **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 PFSC meetings.

- (a) All minutes shall be submitted to the Tribal Secretary's Office within thirty (30) calendar days after approval by the PFSC.
- (b) Copies of the minutes shall be available for review and copy in accordance with the Open Records and Open Meetings Law.

4-3. *Backup.* 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 PFSC shall not be subject to the quarterly reporting requirements to the Oneida Business Committee.

#### **Article V. Amendments**

5-1. *Amendments to Bylaws.* The PFSC may amend the Bylaws upon approval of the PFSC at a regularly scheduled meeting and with subsequent approval of the Oneida Business Committee.

PFSC Approval Date of July 1, 2014

Oneida Business Committee Approval Date of August 13, 2014.



Victoria Deer, Chairperson  
Pardon and Forgiveness Screening Committee



Lisa Summers, Tribal Secretary  
Oneida Business Committee

## PARDON AND FORGIVENESS SCREENING COMMITTEE BYLAWS

### Article I. -Authority

1-1. ~~Name.~~ The name of this ~~committee~~entity shall be the Pardon and Forgiveness Screening \_\_\_\_\_ Committee, and may hereinafter be referred to as the "PFSC."

1-2. ~~Authority. A~~ Establishment. The PFSC was originally established ~~in~~by the Oneida Pardon Ordinance through adoption of resolution BC-07-31-02-A, which was repealed by and replaced with the Pardon and Forgiveness ~~law as adopted by Resolution BC-07-31-02-C.~~law, through adoption of \_\_\_\_\_ resolution BC-05-25-11-A as amended by resolution BC-01-22-14-B.

#### 1-3. Authority.

(a) Purpose. The purpose of the PFSC is to provide a fair, efficient and formal process for considering pardons and forgiveness by:

- (1) Promulgating internal standard operating procedures necessary to govern its proceedings;
- (2) Reviewing and processing applications for a pardon or forgiveness in an orderly and expeditious manner;
- (3) Reviewing an applicant's background investigation report received from the Oneida Human Resources Department;
- (4) Conducting and presiding over hearings to obtain a pardon or forgiveness from the Nation;
- (5) Providing formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application;
- (6) Taking other actions reasonably related to the purpose of the PFSC;
- and
- (7) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Pardon and Forgiveness law.

(b) The PFSC does not:

- (1) Have authority to enter into contracts; or
- (2) Have authority to create policy or legislative rules.

1-4. ~~1-3.~~ Office. \_\_\_\_\_ The ~~official~~Official mailing address of the PFSC shall be:  
\_\_\_\_\_  
Pardon and Forgiveness Screening Committee  
\_\_\_\_\_  
P.O. Box 365  
\_\_\_\_\_  
Oneida, WI 54155

#### 1-5. 1-4. Membership.

(a) Number of Members. The PFSC shall consist of ~~five (5) enrolled Tribal~~four (4) members and four (4) alternates from three (3) representative areas who shall



serve a term \_\_\_\_\_ consistent with that of the Oneida Business  
~~Committee~~Committee's term of office.

~~How Chosen-~~ (1) The three (3) representative areas shall be made up of:

(A) One (1) member and one (1) alternate representative from  
 the Oneida Police Department;

(B) One (1) member and one (1) alternate representative from  
 the Oneida Social Services Department; and

(C) Two (2) member and two (2) alternate representatives from  
 the community-at-large.

(i) One (1) member and one (1) alternate representative  
 of the community-at-large shall be an elder of fifty-  
 five (55) years of age or older; and

(ii) One (1) member and one (1) alternate representative  
 of the community-at-large shall be twenty-five (25)  
 years of age or older.

(b) Appointment. PFSC members and alternates shall be appointed by the  
 Oneida Business Committee in accordance with the Boards, Committees  
 and Commissions law. Each member and alternate shall remain in office as  
 follows:

(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 or alternate may resign any time verbally at a  
 meeting or by delivering written notice to the Oneida  
 Business Committee Support Office and PFSC Chairperson  
 or the Chairperson's designee. The resignation is effective  
 upon acceptance by motion of a member's or

~~resolution~~alternate'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) Vacancies. Vacancies for any reason, whether caused by term expiration,  
 death, termination or resignation, shall be filled in accordance with the  
 Boards, Committees and Commissions law for the remainder of the term.

(1) The PFSC's Chairperson shall provide the Oneida Business  
~~Committee-~~ recommendations on all applications for appointment  
 by the executive session in which the appointment is intended to be  
 made.

~~(a)~~ (d) Qualifications. PFSC members ~~shall include~~ and alternates shall meet  
 the following qualifications:

A (1) The PFSC member and alternate representative from the Oneida  
 Police Department, ~~recommended in writing by the~~ shall:

(A) Be an enrolled member of the Oneida Nation; and



(1) \_\_\_\_\_ (B) Have a written recommendation from the Chief of Police, including two (2) alternates, submitted for \_\_\_\_\_ appointment to the Tribal Secretary; PFSC.

A (2) The PFSC member and alternate representative from the Oneida Social Services Department, recommended in writing by Division shall:

(A) Be an enrolled member of the Oneida Nation; and

(2) \_\_\_\_\_ (B) Have a written recommendation from the Division Director \_\_\_\_\_ for the Governmental Services Division, including two (2) alternates, submitted to the Tribal Secretary; and for appointment to the PFSC.

(3) Three- (3)- The PFSC member and alternate representatives from the Oneida- \_\_\_\_\_ community-at-large, including three (3) alternates. shall:

At least (A) Be an enrolled member of the Oneida Nation;

(B) Reside in Brown or Outagamie County;

(A) (C) For one (1) community at large representative member and one (1) alternate shall, be at least twenty-five (25) years of age, and for the other one (1) member and one (1) alternate, be an elder over the age of fifty-five (55-) years of age or older; and

(B) Preference for community at large representatives shall be given to Tribal members with a background in social services, probation/parole, law enforcement, legal services, public policy and similar fields.

(b) Alternates. If a PFSC member is absent or unable to participate in a meeting due to a conflict of interest, an alternate may serve in his or her place, provided that the alternate does not have a conflict of interest.

(c) How Vacancies are Filled. In case of a vacancy for any reason, including death, removal or resignation, the vacancy shall be filled in accordance with 1.4(a), for the remainder of the term.

(D) Pass a background check.

(d) 1-6. Termination. Termination of PFSC members' appointments shall be terminated in accordance with Section 6-5 of the Comprehensive Policy Governing Boards, Committees and Commissions.

(e) 2-5. Resignations. The resignation of a A PFSC member is effective upon:

(1) Deliverance of a letter of resignation to the PFSC Chairperson, or designee, in accordance with Section 5-2(c)(1) of the Comprehensive Policy Governing Boards, Committees and Commissions; alternate may have his or

(2) In the event of a verbal resignation, the resignation is effective upon the PFSC's passage of a motion to accept such resignation, her appointment terminated in accordance with Section 5-2(c)(2) of the Comprehensive Policy Governing Boards, Committees and Commissions law.

1-5. Purpose and Mission. The purpose and mission of the PFSC is to provide a fair, efficient and formal process for considering pardons and forgiveness.

- (a) In addition to any of the causes for termination already identified within the laws and policies of the Nation, a violation of these bylaws may result in the PFSC making a recommendation to the Oneida Business Committee for the termination of a member's or alternate's appointment.
- (1) Recommendations to the Oneida Business Committee for termination of a PFSC member's or alternate's appointment must be determined by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.

1-7. *Trainings and Conferences.* None required.

**Article II. -Officers**

2-1.-~~Officers.~~The PFSC shall have two (2) ~~officers~~Officers: Chairperson and Vice-Chairperson.

~~2-2. Duties of the Chairperson. The PFSC Chairperson shall:~~

~~Preside at~~2-2. Responsibilities of the Chairperson. The responsibilities, duties and limitations of the PFSC Chairperson shall be as follows:

- (a) Call and preside over all meetings and hearings of the PFSC;
- (b) Along with the Oneida Business Committee Support Office, provide notice of regular meetings, emergency meetings and hearings of the PFSC in accordance with the Boards, Committees and Commissions law, the Pardon and Forgiveness law, and the Open Records and Open Meetings law;
- (c) Forward, or through a designee have forwarded, the notice of meeting locations, agendas, materials and minutes in accordance with these bylaws and the Open Records and Open Meetings law;
- (d) Along with the Oneida Business Committee Support Office, 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;
- (e) Attend, or designate a PFSC member to attend, the Oneida Business Committee meeting in which the PFSC's quarterly report appears on the agenda;
- ~~(b)(f)~~ (f) Draft and sign recommendations of the PFSC;
- ~~(e)(g)~~ (g) Submit applicant recommendations to fill vacancies to the ~~Tribal Secretary~~Oneida Business Committee for consideration ~~by the Oneida Business Committee;~~ and
- ~~(d) Record meeting minutes in accordance with section 4-2 or delegate the responsibility; and~~
- ~~(e)(h)~~ (h) ~~Other~~ Perform all other duties as assigned by ~~the PFSC~~majority vote of the members/ alternates in attendance at a PFSC meeting of an established quorum.

2-3. ~~Duties~~ Responsibilities of the Vice-Chairperson. ~~The responsibilities, duties and limitations of the~~ PFSC Vice-Chairperson shall be as follows:

(a) In the absence or incapacity of the PFSC Chairperson, the PFSC Vice-Chairperson shall perform the duties of the PFSC Chairperson.

2-4. ~~How Chosen~~ Selection of Officers. The PFSC shall elect ~~officer~~ Officer positions at the first duly called PFSC meeting.

(a) The ~~officer~~ Officer positions shall be chosen by majority vote of ~~all PFSC~~ the members ~~or~~ their alternates in attendance at the PFSC meeting. ~~Said of an established quorum.~~

(b) The vote shall be made part of the PFSC record.

~~(a) Length of Term. The term of office for a PFSC officer shall coincide with his or her term on the PFSC.~~

(c) PFSC Officers may hold only (1) Officer ~~Vacancy. In the event of a vacancy in an officer position, the PFSC shall vote to elect, for the remainder of the term, a new officer at a duly called PFSC meeting. The officer~~ any one (1) time.

~~(b)~~ (d) PFSC Officers may be dismissed from their Officer position ~~shall be elected by majority~~ vote of all present PFSC ~~the~~ members or their alternates in attendance at a PFSC meeting of an established quorum.

2-5. ~~Tribal Secretary's Office. The Tribal Secretary's~~ Personnel. The PFSC shall not have authority to hire personnel for the benefit of the PFSC.

(a) The Oneida Business Committee Support Office shall assist the PFSC ~~as set out on~~ behalf of the Tribal Secretary and in accordance with the Pardon and Forgiveness ~~law~~ law with fulfilling the following administrative duties in accordance with these bylaws and the governing law:

(1) Keeping minutes of the PFSC meetings;

(2) Along with the Chairperson, providing notice of regular meetings, emergency meetings and hearings of the PFSC;

(3) Acting as custodian of the records;

(4) Attending to all correspondence and presenting to the PFSC all official communications received by the PFSC;

(5) Along with the Chairperson, submitting annual and semi-annual reports to the Oneida General Tribal Council and submitting quarterly reports to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law; and

(6) Administering the PFSC budget.

2-6. Budgetary Sign-Off Authority and Travel. The PFSC shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the PFSC 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 PFSC Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
- (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (b) The PFSC shall approve a member's or alternate's request to travel on behalf of the PFSC by majority vote of the members or their alternates present at a regular or emergency PFSC meeting of an established quorum.

### Article III. Meetings~~Meetings~~

~~3-1. Regular Meetings.~~ With the assistance of the Tribal Secretary, the PFSC shall schedule quarterly meetings.

~~(a) The meeting dates, time and location may change from time to time, as determined by the PFSC, with at least twenty four (24) hour notice, but shall be within the Reservation boundaries unless notified to the PFSC membership prior to designating the meeting location.~~

3-1. Regular Meetings. Regular meetings shall occur on a quarterly basis and be held on the third Monday of the month each quarter at the Norbert Hill Center located in Oneida, Wisconsin, commencing at 10:00 a.m.

(a) The regular meeting date, time and/or place may be reviewed by the PFSC from time-to-time and changed as determined necessary by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum so long as advance notice is provided to all members in writing and, along with the public, in accordance with 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, ~~and~~ materials and minutes shall be forwarded by the Chairperson ~~with the assistance of the Tribal Secretary's Office~~ or the Chairperson's designee to all PFSC members in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.

(c) Meetings shall be run in accordance with Robert's Rules of Order or another method approved by the Oneida Business Committee.

~~3-2. (c) PFSC 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. More than two (2) unexcused absences may result in termination.~~

~~3-2. Special Meetings.~~ Special Emergency Meetings. Emergency meetings shall only be called when time sensitive issues require immediate action.

(a) Emergency meetings of the PFSC may be called by ~~a majority vote of the PFSC~~ the Chairperson or upon written request of any two (2) PFSC members.

~~(a) Special meetings shall address a specific purpose(s) and convene at a time outside of the regularly scheduled quarterly meeting time.~~

~~(a) Special meetings shall require a written notice to each member of the PFSC at least twenty-four (24) hours prior to the meeting start time.~~

~~3-3. (b) Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson or Chairperson's designee to all PFSC members by telephone call, as well as in writing, and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.~~

~~(c) Within seventy-two (72) hours after an emergency meeting, the PFSC 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 between the PFSC and the Oneida Business Committee shall not be held.~~

~~3-4. Hearings. Hearings shall be held in accordance with the Pardon and Forgiveness law.~~

~~3-5. Quorum. A quorum shall consist of at least three (3) PFSC members or their alternates and shall include the Chairperson or Vice-Chairperson.~~

~~(a) The alternate will assume the role of the member that he or she is replacing, including the Chairperson and/or Vice-Chairperson.~~

~~3-4-6. Order of Business. The agendas for the regular meetings of the PFSC shall contain follow the order of business as follows set out herein:~~

~~(a) Call to Order and~~

~~(b) Adopt the Agenda~~

~~(a) (c) Approval of the Agenda Previous Minutes~~

~~(b) Current (d) Old Business~~

~~(c) Recess/Adjourn~~

~~(e) New Business~~

~~(f) Executive Session~~

~~(g) Adjournment~~

~~3-5-7. Voting. Voting Decisions of the PFSC shall be in accordance with simple by majority vote of the PFSC members present or their alternates in attendance at a duly called PFSC meeting.~~

~~3-6. Stipends. The community at large PFSC members shall be paid a stipend for each meeting which has or hearing of an established a quorum.~~

~~(a) The Chairperson, or Vice-Chairperson when presiding in the amount specified according to lieu of the Comprehensive Policy Governing Chair-person, shall not be allowed to vote unless a tie needs to be broken.~~

(b) E-polls are permissible so long as conducted in accordance with the Boards, Committees and Commissions—~~One~~ law.

(1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting an e-poll in the Chairperson's absence or discretion.

#### Article IV. ~~stipend shall be paid for~~ **Expectations**

4-1. *Behavior of Members.* PFSC members and alternates are expected to treat each other in accordance with the Nation's core values of The Good Mind as expressed by On<sup>h</sup>ayote'a'ka, which includes:

- (a) Kahletsyalús la. The heart felt encouragement of the best in each ~~quarterly~~ of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Ka'níkuhli'yó. The openness of the good spirit and mind.
- (d) Ka'tshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
- (f) Twahwahtsílaway. All of us are family.
- (g) Yukwatsístay. Our fire, our spirit within each one of us.

(1) A failure by a member or alternate to act in accordance with this or any other section of these bylaws and/or any governing laws of the Nation may be cause for:

- (A) The PFSC to recommend to the Oneida Business Committee that it terminate his or her appointment in accordance with the Boards, Committees and Commissions law; and/or
- (B) The PFSC taking disciplinary action against him or her in accordance with any law or policy of the Nation providing sanctions and/or penalties for appointed officials.

(2) Recommendations to the Oneida Business Committee for termination of a PFSC member's or alternate's appointment must be determined by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member or alternate of the PFSC that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, during a meeting ~~which consists of:~~ or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the PFSC and/or the imposition of sanctions and/or penalties according to laws and of the Nation as determined by majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.



4-3. *Drug and Alcohol Use.* Use of alcohol and illegal drugs by members or alternates of the PFSC 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 substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

4-4. *Social Media.* PFSC members and alternates shall use social media in accordance with their Oath of Office and the Nation's Social Media Policy.

(a) PFSC members and alternates shall further refrain from posting, attaching or writing anything relating to PFSC business or activities on any social media outlet.

(1) Posting notices of meetings, public hearings, and/or cancellations on social media outlets is acceptable.

4-5. *Conflict of Interest.* PFSC members and alternates shall abide by all laws of the Nation governing conflicts of interest. PFSC members and alternates must submit a Conflict of Interest Disclosure form upon Oath of Office and annually.

~~(a) Article V. Pre public hearing meeting to deliberate the files;~~  
~~(b) Public hearing; and~~  
~~(c) Post public hearing meeting to make a decision/recommendation.~~

#### **Article IV. Stipends and Compensation**

5-1. *Stipends.* Stipend eligibility shall be governed by these bylaws; the Boards, Committees and Commissions law; 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; and as follows:

(a) Community-at-large PFSC members and alternates shall be paid one (1) monthly meeting stipend.

(b) Community-at-large PFSC members and alternates shall be paid a stipend for conducting an official hearing of the PFSC.

(c) Member and alternate representatives from the Oneida Police Department and the Oneida Social Services Department shall not collect stipends despite their eligibility.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, PFSC members and alternates are not eligible for any other type of compensation for duties/activities they perform on behalf of the PFSC.

#### **Article VI. Records and Reporting**



~~46-1. Format. Agendas shall be maintained in an identified format approved by the Oneida Business Committee Support Office.~~

~~4~~  
~~6-2. Minutes. PFSC minutes shall be typed and in a consistent format designed approved by the Oneida Business Committee Support Office to generate the most informative record of the PFSC meetings meeting, including, but not limited to, showing a summary of the action taken by the PFSC.~~

~~(a) All minutes shall be submitted to the Tribal Secretary's Office within thirty (30) calendar days after approval by the PFSC.~~

~~(b) Copies of the minutes shall be available for review and copy in accordance with the Open Records and Open Meetings Law.~~

~~4 (a) When minutes are not taken by the Oneida Business Committee Support Office or if the PFSC requires approval of the minutes in advance thereof, the PFSC shall submit minutes to the Oneida Business Committee Support Office within thirty (30) days of the PFSC's meeting or receipt of the minutes for approval.~~

~~6-3. Backup. Attachments. Handouts, reports attachments, memoranda, and the like may shall be attached to the corresponding meeting minutes and agenda, or may be.~~

~~(a) Agendas, minutes and attachments shall be kept separately, provided that all materials can be identified to the meeting in which they were presented.~~

~~4-4. Reporting. The PFSC shall not be subject to the quarterly reporting requirements to the Oneida Business Committee.~~

## ~~Article V. Amendments~~

~~5-1. Amendments to Bylaws. The PFSC may amend the Bylaws upon approval of the PFSC at a regularly scheduled meeting and with subsequent approval of the Oneida Business Committee.~~

~~PFSC Approval Date of July 1, 2014~~

~~electronically by the Oneida Business Committee Approval Date of August 13, 2014 Support Office.~~

6-4. *Oneida Business Committee Liaison.* The PFSC 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 PFSC 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.

(b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as a support to the PFSC.

6-5. *Audio Recordings.* All meetings and hearings of the PFSC shall be audio recorded by the Oneida Business Committee Support Office using a device supplied by either the Oneida Business Committee Support Office or the PFSC.

(a) Audio recordings of the PFSC meetings shall be maintained by the Oneida Business Committee Support Office.

(b) *Exception.* Audio recordings of executive session portions of a meeting or hearing shall not be required.

## Article VII. Amendments

~~Pardon and Forgiveness Screening Committee~~ ~~Oneida Business Committee~~ Victoria Deer, Chairperson Patricia Hoeft, Tribal Secretary

~~7-1. Amendments.~~

~~Upon written notice, the PFSC may amend these bylaws by a majority vote of the members or their alternates in attendance at a PFSC meeting of an established quorum.~~

(a) Amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other governing policies of the Nation.

(b) Amendments to these bylaws shall be approved by the Oneida Business Committee prior to implementation.

(c) The PFSC shall review these bylaws no less than on an annual basis.

[ SIGNATURE BLOCK FOR APPROVAL OF PFSC AND OBC]

**Oneida Business Committee Agenda Request**

Approve the Southeastern Oneida Tribal Services Advisory Board bylaws amendments

**1. Meeting Date Requested:** 10 / 9 / 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.

**SOUTHEASTERN WISCONSIN ONEIDA TRIBAL SERVICES (SEOTS) ADVISORY  
BOARD BYLAWS**

**Article I. Authority**

1-1. *Name.* The name of this entity shall be the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board and may be referred to interchangeably as SEOTS or the Board.

1-2. *Establishment.* The Board was established through resolution BC-4-4-94-A, which was adopted by the Oneida Business Committee on April 4, 1994 pursuant to the authority delegated it under Article IV, Section 1 of the Oneida Nation Constitution.

1-3. *Authority.* The Board was established for purposes of providing advice and constructive input to the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Director working in partnership to formulate social services programs for the Oneida people residing in Southeastern Wisconsin by, including, but not limited to:

- (a) Acting as an ambassador for the SEOTS program by promoting its mission whenever possible;
- (b) Reviewing the SEOTS program's budget;
- (c) Guiding and advising the SEOTS administration;
- (d) Adhering to the appropriate chain of command in any and all relative communications with the Oneida Business Committee; and
- (e) Carrying out all other powers and/or duties delegated to SEOTS by the laws and/or policies of the Nation.

1-4. *Office.* The official mailing address of the Board shall be:  
Southeastern Wisconsin Oneida Tribal Services Advisory Board  
c/o Southeastern Wisconsin Oneida Tribal Services  
5233 W. Morgan Avenue  
Milwaukee, WI 53220

1-5. *Membership.*

(a) *Number of Members.* The Board shall consist of five (5) members who shall serve three (3) year terms.

(b) *Appointment.* Board members shall be appointed in accordance with the Boards, Committees and Commissions law.

(1) Each member shall hold office until his/her terms expires, he/she resigns, or his/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 Board member's verbal resignation or upon delivery of the written notices.

(c) *Vacancies.* Vacancies on the Board shall be filled in accordance with the Boards, Committees and Commissions law.

(1) The Board Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment by the executive session in which the appointment is intended to be made.

(d) *Qualifications of Members.* Board members shall meet the following qualifications:

(1) Be an enrolled member of the Nation;

(2) Be at least eighteen (18) years of age or over; and

(3) Reside within one (1) of the following six (6) Southeastern Wisconsin Counties: Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.

1-6. *Termination.* A Board member may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.

(a) Upon majority vote of the members in attendance at a Board meeting of an established quorum, the Board may, by formal motion and action, request that the Oneida Business Committee terminate a member's appointment for one (1) or more of the following reasons:

(1) Accumulating four (4) unexcused absences from regularly scheduled meetings within a twelve (12) month period.

(A) An absence shall be deemed unexcused if a member fails to provide written notice of his or her pending absence to a Board Officer at least thirty (30) minutes before the missed meeting.

(2) Failing to attend at least fifty percent (50%) of the regularly scheduled meetings within a twelve (12) month period for any reason.

(3) Using alcohol while performing official responsibilities of the Board or using illegal drugs at any time.

(4) Violating these bylaws and/or any other laws of the Nation.

(5) Receiving a felony conviction while serving on the Board.

1-7. *Trainings and Conferences.* Board members shall be required to attend mandatory trainings and/or conferences in the following areas:

(a) Robert's Rules of Order;

(b) Oneida Language Classes; and/or

(c) New Board Member Orientation by the SEOTS Director.

(d) Regardless of the number of trainings/conferences that he or she is required to attend, no member shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

93  
94 **Article II. Officers**

95 2-1. *Officers.* The Board shall consist of the following Officers: Chairperson, Vice-  
96 Chairperson and Secretary.  
97

98 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the  
99 Chairperson shall be as follows:

- 100 (a) Call and preside over all meetings of the Board.  
101 (b) Vote only in case of a tie.  
102 (c) Sign all correspondence of the Board.  
103 (d) Submit quarterly reports to the Oneida Business Committee, as well as  
104 annual and semi-annual reports to the Oneida General Tribal Council, in  
105 accordance with the Boards, Committees and Commissions law; and attend  
106 or designate a Board member to attend the Oneida Business Committee  
107 meeting where SEOTS' quarterly report appears on the agenda.  
108 (e) Assign sub-committees as necessary and maintain Board functions and  
109 responsibilities.  
110 (f) Prepare and follow scheduled order of business.  
111 (g) Perform such other duties and functions from time-to-time as may be  
112 requested by the Director of SEOTS, who is of management staff of the  
113 Oneida Nation; as required by the Constitution of the Oneida Nation; per  
114 the direction of the Oneida General Tribal Council; or as provided for by  
115 the laws of the Nation.  
116

117 2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the  
118 Vice-Chairperson shall be as follows:

- 119 (a) Perform the Chairperson's duties under section 2-2 of these bylaws, in the  
120 absence or incapacity of the Chairperson.  
121 (1) In the case of termination of appointment, resignation or death of  
122 the Chairperson, the Vice-Chairperson shall become the Chair-  
123 person for the remainder of the Chairperson's term.  
124 (b) Notify the Oneida Business Committee Support Office of any Board  
125 vacancies or planned vacancies in accordance with the Boards, Committees  
126 and Commissions law.  
127 (c) Perform such other duties and functions from time-to-time as may be  
128 requested by the Director of SEOTS, who is of management staff of the  
129 Oneida Nation; as required by the Constitution of the Oneida Nation; per  
130 the direction of the Oneida General Tribal Council; or as provided for by  
131 the laws of the Nation.  
132

133 2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the  
134 Secretary shall be as follows:

- 135 (a) Provide notice of meeting agendas, documents, and minutes to all Board  
136 members, as well as the public, in accordance with these bylaws and the  
137 Nation's Open Records and Open Meetings law.

- 138 (b) Record and review the minutes of the Board's meetings and submit recorded  
139 minutes to the Oneida Business Committee Support Office in accordance  
140 with these bylaws.
- 141 (c) Maintain files for all minutes, reports and correspondence to and from the  
142 Board in accordance with the Open Records and Open Meetings law.
- 143 (d) Submit signed and completed A/P Check Request Forms, Minutes  
144 Approved Signature Sheets, and Meeting Attendance Sheets to the  
145 appropriate recipient.
- 146 (e) In the event that both the Chairperson and Vice-Chairperson positions  
147 become vacant before the end of their terms, call Board meetings to fill the  
148 vacancies and preside over those meetings for the sole purpose of  
149 conducting an election of new Officers, at which point the Chairperson, or  
150 Vice-Chairperson in the absence of the Chairperson, shall preside.
- 151 (f) Perform such other duties and functions from time-to-time as may be  
152 requested by the Director of SEOTS, who is of management staff of the  
153 Oneida Nation; as required by the Constitution of the Oneida Nation; per  
154 the direction of the Oneida General Tribal Council; or as provided for by  
155 the laws of the Nation.
- 156
- 157 2-5. *Selection of Officers.* Officers of the Board shall serve one (1) year terms.
- 158 (a) Any member of the Board may self-nominate or be nominated for the  
159 offices of Chairperson, Vice-Chairperson or Secretary.
- 160 (b) Elections of Officers shall take place at the first regular Board meeting of  
161 an established quorum in March of each year by majority vote of the  
162 members in attendance.
- 163 (c) Board members may be dismissed from their Officer positions by majority  
164 vote of the members in attendance at a Board meeting of an established  
165 quorum.
- 166 (d) Board members may hold only one (1) Officer position per Officer term.
- 167
- 168 2-6. *Budgetary Sign-Off Authority and Travel.* The Board shall follow the Nation's policies and  
169 procedures regarding purchasing and sign-off authority.
- 170 (a) Levels of budgetary sign-off authority for the Board shall be as set forth in  
171 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies*  
172 *and Procedures*, for Area Directors/Enterprise Directors.
- 173 (b) All Board Officers have sign-off authority and (2) Officers shall be required  
174 to sign-off on all budgetary requests, except as follows:
- 175 (1) The Oneida Business Committee Support Office shall have sign-off  
176 authority over requests for stipends, travel per diem and business  
177 expense reimbursement.
- 178 (c) Travel shall be approved by majority vote of the members in attendance at  
179 a regular or emergency Board meeting of an established quorum.
- 180
- 181 2-7. *Personnel.* The Board shall not have authority to hire personnel for the benefit of the  
182 Board.
- 183



**Article III. Meetings**

3-1. *Regular Meetings.* The Board's regular meetings shall be held on the 2nd Monday of each month, beginning at 6:00 p.m., in the SEOTS building located in Milwaukee, Wisconsin.

- (a) The meeting date, time and location may change from time-to-time as determined by a majority vote of the members consisting of no less than a Board quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Open Records and Open Meetings law, prior to implementation of the new date, time and/or location.
- (b) The annual meeting schedule shall be posted in the SEOTS office, on the Nation's website and in the Kalihwisaks.
- (c) The Secretary shall provide notice of meeting agendas, documents and minutes to all Board members in writing and, along with the public, in accordance with the Open Records and Open Meetings law.

3-2. *Emergency Meetings.* Emergency meetings may convene as needed outside of regular meeting times when time sensitive issues require immediate action.

- (a) Board Officers may call emergency meetings so long as they provide notice to the entire Board via telephone call and in writing a minimum of twenty-four (24) hours prior to the beginning of the meeting.
  - (1) Notice provided to members via email must be sent to the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the Board.
  - (2) Notice of emergency meetings shall further be provided to all members, as well as the public, in accordance with the Open Records and Open Meetings law.
- (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.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held on an as needed basis per the approval 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 Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

3-4. *Quorum.* A quorum shall consist of at least three (3) Board members, one of which shall be the Chairperson or the Vice-Chairperson.

- (a) The Board shall not conduct any official action without the presence of a quorum.

- (b) In lieu of the Chairperson and Vice-Chairperson, the Secretary may complete the quorum for meetings that are called pursuant to section 2-4(e) of these bylaws.

3-5. *Order of Business.* The order of business, as far as applicable, shall be as follows:

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) SEOTS Director's Report (once a month)
- (g) Other Business
- (h) Executive Session
- (i) Adjournment

3-6. *Voting.* Decisions of the Board shall be based upon a majority vote of members in attendance at a regular or emergency Board meeting of an established quorum.

- (a) The Chairperson, or Board Officer presiding in lieu of the Chairperson, shall not be allowed to vote unless a tie needs to be broken.
- (b) E-polls are allowed 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 e-polls in the Chairperson's absence or discretion.

#### **Article IV. Expectations**

4-1. *Behavior of Members.* While acting on behalf of the Board, members are prohibited from:

- (a) Bullying;
- (b) Name calling;
- (c) Using excessive profanity; and/or
- (d) Engaging in other disrespectful behavior deemed inappropriate by the Board.
- (e) *Enforcement.* A member who violates this or any other section of these bylaws and/or any governing law of the Nation, may be subject to one or more of the following:
  - (1) If deemed violent or threatening during a Board meeting, dismissal from the meeting by the Chairperson or Vice-Chairperson.
    - (A) If the unwanted behavior escalates after dismissal, the proper authorities will be called.
  - (2) By majority vote of the members present at a Board meeting of an established quorum, the Board's recommendation to the Oneida Business Committee for the termination of his or her appointment.
  - (3) Disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

- 276 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a Board member that  
277 inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on  
278 another person, or damage to property are strictly prohibited.  
279
- 280 4-3. *Drug and Alcohol Use.* Alcohol use while performing official responsibilities of the Board  
281 or use of illegal drugs at any time by a Board member is prohibited.  
282 (a) Any member discovered to be under the influence of alcohol or an illegal  
283 drug while attending a Board meeting or event will, along with any other  
284 possible action under section 4-1, be dismissed by the Chairperson or Vice-  
285 Chairperson from that meeting/event.  
286
- 287 4-4. *Social Media.* Members shall comply with the Nation's Social Media Policy, their oath of  
288 office and the following when using social media on behalf or as a  
289 representative of the Board.  
290 (a) Use of the SEOTS Advisory Board Facebook Page.  
291 (1) If a post by a Board member on any social media platform is made  
292 and it is perceived in a negative or inappropriate way, that Board  
293 member shall be counseled in the following meeting.  
294 (2) If a post is made by a community member and is perceived in a  
295 negative or inappropriate way, one (1) of the three (3) administrators  
296 will delete the comment or post. That community member will be  
297 contacted by an administrator. If the conflict cannot be resolved, the  
298 Board will decide how to proceed at the following Board meeting.  
299
- 300 4-5. *Conflict of Interest.* Board members shall comply with all laws and policies of the Nation  
301 governing conflicts of interest.  
302

## 303 **Article V. Stipends and Compensation**

- 304 5-1. *Stipends.* Board members are eligible for the following stipends as set forth in and  
305 subject to these bylaws; the Boards, Committees and Commissions law; and  
306 resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D  
307 Boards, Committees and Commissions Law Stipends, as may be further  
308 amended from time-to-time hereafter:  
309 (a) One (1) meeting stipend per month, provided that:  
310 (1) A quorum was established;  
311 (2) The meeting of the established quorum lasted for a minimum of one  
312 (1) hour; and  
313 (3) The member collecting the stipend was physically present for the  
314 entire meeting of the established quorum.  
315 (b) A stipend for attending a Judiciary hearing if the member's attendance was  
316 required by official subpoena.  
317 (c) A stipend for attending a duly called joint meeting between the Board and  
318 the Oneida Business Committee, provided that:  
319 (1) A quorum was established by the Board;

- (2) The joint 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 joint meeting.
- (d) A stipend for each day of attendance at 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 conference or training was mandated by law, bylaws or resolution.

5-2. *Compensation.* Besides reimbursement for travel, per diem and business expenses authorized by the Boards, Committees and Commissions law, members shall not be entitled to any other form of compensation for duties/activities performed on behalf of the Board.

## **Article VI. Records and Reporting**

6-1. *Agenda Items.* Agendas shall be maintained in a consistent format furnished by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed and in a consistent format designed by the Oneida Business Committee Support Office to generate the most informative record of the Board's meetings.

(a) Within thirty (30) days of Board approval, the Secretary shall submit the minutes to the Oneida Business Committee Support Office for filing.

6-3. *Attachments.* Handouts, reports, memoranda and the like shall be attached to the minutes and agenda of the meeting in which they were presented to be maintained in accordance with the Open Records and Open Meetings law.

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 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.

(b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the Board.

6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a device approved and/or furnished by the Oneida Business Committee Support Office.

(a) Audio recordings shall be maintained on the network in accordance with the Open Records and Open Meetings law.

- (1) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.

**Article VII. Amendments**

- 7-1. *Amendments.* These bylaws may be amended by majority vote of the members in attendance at a Board meeting of an established quorum.
  - (a) Proposed amendments to these bylaws must be presented at one Board meeting and cannot be approved until a subsequent Board meeting.
    - (1) A majority vote of the members in attendance at a Board meeting of an established quorum is required before bylaws amendments will be forwarded to the Oneida Business Committee for approval.
  - (b) Amendments shall be approved by the Oneida Business Committee and/or the General Tribal Council, before implementation.
  - (c) 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.
  - (d) The Board shall conduct a review of its bylaws no less than on an annual basis.

[SIGNATURE BLOCK HERE]



## Southeast WI Oneida Tribal Services Advisory Board Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P.Jordan	DRAFTER: Kristen M. Hboker	ANALYST: Maureen Rrkins
Complies with Boards, Committees and 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 [1 O.C. 105.10].		
Intent of the Bylaws	The Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board (Board) bylaws provide a framework for the operation and management of the Board to govern the standard procedures regarding the way the Board conducts its affairs, including: the 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, termination process, required training, and how the bylaws are amended.		
Purpose	The purpose of Board to provide advice and constructive input to the SEOTS Director in order that the SEOTS office can formulate social services programs for the Oneida people residing in Southeastern Wisconsin. Each member of the Board shall act as an ambassador for the SEOTS program by promoting its mission whenever possible; shall review the program's budget; shall guide and advise SEOTS administration and shall adhere to the appropriate chain of command in any and all relative communications with the OBC and carry out all other powers and duties delegated to the Board by the laws and policies of the Nation [Proposed Bylaws 1-3].		
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, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	A member of the Board serves at the discretion of the OBC. Upon the recommendation of a member of the OBC or the Board, a member of an 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.		



## SECTION 2. BACKGROUND

- A. The Board bylaws amendments were added to the active files list on October 3, 2018, with David P. Jordan as the sponsor.
- B. The Board was originally established by adoption of the bylaws by the OBC on July 1, 1997. The most recent bylaws were adopted by the OBC on November 25, 2009.

## 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. Board membership decreased from seven (7) members to five (5) members [*Current Bylaws 1-5(a)*] and [*Proposed Bylaws 1-5(a)*].
- b. Board members will now hold expired terms of office until a successor is sworn in by the OBC [*Proposed Bylaws 1-5(b)(1)(A)*] which is optional under the Boards, Committees and Commissions law [*1 O.C. 105.6-2(a)(1)*].
- c. 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 [*Proposed Bylaws 1-5(b)(1)(B)*]:
  - Verbally and accepted by motion at a meeting; or
  - By delivering a written resignation to the Business Committee Support Office (BCSO) and the Board Chairperson or Chairperson's designee.
- d. A provision was added that the Chairperson will make a recommendation to fill vacancies on behalf of the Board [*Proposed Bylaws 1-5(c)(1)*] which is optional in the Boards, Committees and Commissions law [*1 O.C. 105. 7-1(b)(1)*].
- e. A provision was added to all bylaws defining an unexcused absence as a failure to notify a Board Officer in writing at least thirty (30) minutes before a missed meeting [*Proposed Bylaws 1-6(a)(1)(A)*].
- f. A trainings and conferences section has been added to the bylaws to provide details with regard to the minimum trainings or conferences the Board will be required to attend. Board members are eligible for no more than five (5) stipends for full days of training per year [*Proposed Bylaws 1-7*]. This complies with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(7)*].

### B. ARTICLE II. OFFICERS

- a. A duty was added to the Chairperson's responsibilities to attend or designate a Board member to attend the OBC meeting when the quarterly report is on the agenda [*Proposed Bylaws 2-2(d)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3*].
- b. Duties were added to the Secretary position to submit minutes to the BCSO [*Proposed Bylaws 2-4(b)*] consistent with the requirements contained in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*] and submit signed and completed A/P Check



Request Forms, Minutes Approved Signature Sheet, and Meeting Attendance Sheet to the appropriate recipient *[Proposed Bylaws 2-4(d)]*.

- c. Provisions were added that Board members may be dismissed from an Officer position by majority vote of the members in attendance at a Board meeting of an established quorum *[Proposed Bylaws 2-5(c)]* and Board members can only hold one Officer position per term *[Proposed Bylaws 2-5(d)]*.
- d. The Budgetary 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 contained in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manual for Area Directors/Enterprise Directors. The BCSO will have sign-off authority for requests for stipends, travel per diem and business expense reimbursement. All Board Officers will have sign-off authority and two (2) Officers must sign-off on budgetary requests, *[Proposed Bylaws 2-6(b)]*.
    - 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 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.
      3. Budgeted but sole source items between \$1,000 and \$5,000.
  - 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 the Board *[Proposed Bylaws 2-6(c)]* 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

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
Regular Meetings <ul style="list-style-type: none"> <li>• Regularly Scheduled – Twice Monthly</li> </ul>	Regular Meetings <ul style="list-style-type: none"> <li>• Regularly Scheduled – Once Monthly</li> </ul>
Emergency Meetings or <ul style="list-style-type: none"> <li>• Twenty-Four (24) Hour Notice</li> </ul>	Emergency Meetings <ul style="list-style-type: none"> <li>• Twenty-Four (24) Hour Notice</li> </ul>
Special Meetings <ul style="list-style-type: none"> <li>• Twenty-Four (24) Hour Notice</li> </ul>	Special Meetings <ul style="list-style-type: none"> <li>• Special Meetings were removed.</li> </ul>
	Joint Meetings <ul style="list-style-type: none"> <li>• As needed per approval of the OBC.</li> </ul>

- a. Regular meetings were reduced from two (2) meetings a month to one (1) meeting a month *[Proposed Bylaws 3-1]* to coincide with stipend allowance for appointed entities contained in the Boards, Committees and Commissions law *[1 O.C. 105.13-3(a)]*.
- b. A provision was added that notice of emergency meetings must be provided by official Oneida Nation email and by telephone call *[Proposed Bylaws 3-2(a)(1)]*.
- c. A provision was added per the Boards, Committees and Commissions law that the Board will notify the Nation's Secretary within seventy-two (72) hours after holding an emergency meeting with meeting notice, 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)]*.

- d. Special meetings were removed [*Current Bylaws 3-2*].
- e. Community meetings and events to communicate, share information and ideas were eliminated [*Current Bylaws 3-5*].

- f. 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".

The agenda will be agreed upon by the Board Chairperson upon the Board 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 Board, 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 Board;

The Chairperson of the Board 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 Board will follow the required procedure established by the Boards, Committees and Commissions law [*1 O.C. 105.11*]. The Vice-Chairperson will be responsible for conducting e-polls in the absence or discretion of the Chair [*Proposed Bylaws 3-6(c)*] [*1 O.C. 105.10-3(c)(6)(D)*].
- h. A section related to subcommittees was removed [*Current Bylaws Article VI*]. The Boards, Committees and Commissions law does not require any detail related to subcommittees in the bylaws.

#### D. ARTICLE IV. EXPECTATIONS

This section is new to the proposed 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 members during Board meetings and related activities [*Proposed Bylaws 4-1*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(1)*]. Enforcement of behavioral expectations includes dismissal from a meeting by the Chairperson or Vice-Chairperson, a recommendation by majority vote of the Board to the OBC to consider termination of the member's appointment [*1 O.C. 105.6(c)*] and sanctions or penalties according to any applicable laws and policies of the Nation [*Proposed Bylaws 4-1(e)*].
- b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional or bodily harm or damage to property are prohibited. Violations could result in the Board's recommendation to the OBC to terminate the member from the Board or imposition of sanctions or penalties according to any applicable laws and policies of the Nation [*Proposed Bylaws 4-2*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(2)*].
- a. Board members must follow the Nation's Social Media Policy and their Oath of Office. Additionally; Board members may be counseled in a Board meeting regarding social media posts and posts by community members to the SEOTS Advisory Board Facebook Page may be removed by one of the three administrators [*Proposed Bylaws 4-4*]. This complies with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(4)*].

- c. The 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 of conflicts of interest annually [Proposed Bylaws 4-5].

#### E. ARTICLE V. STIPENDS AND COMPENSATION

A section was added to the bylaws that details stipends and compensation and corresponding requirements in accordance with the Boards, Committees and Commissions law [O.C. 105.10-3(e)].

- a. This section provides a list of stipends members of the Board are eligible to receive, in addition to clarification that a full day of training is required to receive a training stipend and the training or conference attended must be mandated by law, bylaws or resolution [Proposed Bylaws 5-1(d)] and [1 O.C. 105.13-8(b)]. This section complies with Resolution BC-05-08-19-B. Additionally, Board members may only receive up to five (5) training stipends per year regardless of the days of training attended [Proposed Bylaws 1-7(d)].
- b. The Board is not eligible for any compensation besides reimbursement for travel, per diem and business expenses [Proposed Bylaws 5-2] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.13].

#### F. ARTICLE VI. RECORDS AND REPORTING

- a. 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)].
- b. Meeting minutes will be submitted to the BCSO within thirty (30) days of Board approval [Proposed Bylaws 6-2(a)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(2)].
- c. All attachments will be attached to and maintained with the meeting minutes and agenda [Proposed Bylaws 6-3]. This meets requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(3)] in accordance with the Open Records and Open Meetings law which requires a requester the right to make or receive a copy of a written record [1 O.C. 107.7-2].
- d. A requirement was added that the BCSO will audio record all meetings and maintain all audio files on the Nation's network. 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)(A)] and the Open Records and Open Meetings law which allows a requester to a copy of the audio or a transcription of an audio record [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)]. Additionally, a provision was added that the bylaws be reviewed as needed but no less than annually [Proposed Bylaws 7-1(d)].

### SECTION 6. 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 Board 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.

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- 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 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]. The proposed bylaws comply and there are no conflicts with the Boards, Committees and Commissions law.
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- C. Travel and Expense Policy [2 O.C. 219]. Members of the Board are eligible for reimbursement of approved travel related expenses and per diem to attend a conference or training in accordance with the Nation's travel policies. The BCSO will have sign-off authority for requests for stipends, travel per diem and business expense reimbursement [*Proposed Bylaws 2-6(b)(1)*]. All travel must be authorized by two (2) Officers [*Proposed Bylaws 2-6(b)*] 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 2-6*] 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.
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- D. 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]. This requirement is met in Article IV. 4-5 of Board's proposed bylaws. The proposed bylaws comply and there are no conflicts with the Conflict of Interest law.
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- E. Social Media Policy [2 O.C. 218]. This law regulates social media accounts including how content is managed and who has authority to post on social media on behalf of the Nation. The Board currently maintains a Facebook page <https://www.facebook.com/Southeastern-Oncida-Tribal-Services-Advisory-Board-218721712213704/>. The page must be registered 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 Tribal email address, and ensure all content complies with all applicable tribal, state or federal laws. The Board is required to abide by this law and their Oath of Office and the bylaws reiterate this requirement [*Proposed Bylaws 4-4*]. Additionally; the Board Facebook Page will be monitored by the Board and posts by Board members and community members will be monitored by the Board and deleted if not appropriate or deemed as negative [*Proposed Bylaws 4-4(a)*]. The proposed bylaws comply and there are no conflicts with the Social Media Policy.
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- F. Computer Resources Ordinance [2 O.C. 215]. 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. There are no conflicts between the 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)].

Analysis to Proposed Draft

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HANDOUT

- 225 G. Open Records and Open Meetings [1 O.C. 107]. The Board must comply with the Open Records  
226 and Open Meetings law. This law details how records must be maintained and made available to  
227 the public and that meetings are open to the public unless the exceptions in this law related to  
228 personnel matters or contracts are being discussed and deemed confidential which allow the  
229 meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of meetings is also required by  
230 this law [1 O.C. 107.15-1]. The Board bylaws delegates the maintenance of the records to the  
231 Secretary [Proposed Bylaws 2-4(c)]. Meeting packets and backup materials will be submitted to  
232 the BCSO within thirty (30) days of the meeting [Proposed Bylaws 6-2(a)] and made available to  
233 the public in accordance with this law which states that any requestor has the right to make or  
234 receive a copy of a public record [1 O.C. 107.7-2]. The bylaws comply and there are no conflicts  
235 with the Open Records and Open Meetings law.  
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- 237 H. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The Board is considered an  
238 entity [2 O.C. 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)]  
239 under this law and are authorized to travel in the Nation's vehicles. The law requires the Human  
240 Resources Department or designee to ensure drivers, including Board members, are certified to  
241 drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires Board  
242 members (officials) to have written consent from the Board prior to being approved to use a Tribal  
243 vehicle [2 O.C. 210.6-1(b)(2)]. Certification includes providing the Human Resources Department  
244 with the appropriate license, training certifications, and insurance information [2 O.C. 210.8-1].  
245 Additionally, Board members must abide by all reporting requirements in this law [2 O.C. 210.9-  
246 2].
- 247 a. Board members who violate this law may be subject to:  
248 i. any laws regarding sanctions or penalties; and  
249 ii. termination of appointment following the Boards, Committees and Commissions  
250 law [1 O.C. 105].  
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**THE SOUTHEASTERN WISCONSIN  
ONEIDA TRIBAL SERVICES ADVISORY BOARD BYLAWS**

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**Article I. Authority**

- 1-1. *Name.* The name of the board shall be the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board, hereinafter, to be referred to as "Board."
- 1-2. *Authority.* The SEOTS Advisory Board was created by and has been delegated authority by the Oneida Business Committee by authority of the Oneida Tribe of Indians of Wisconsin Constitution and Bylaws, adopted November 14, 1936, under Article IV., Section I., Subsection (g).
- 1-3. *Office and Location.* The official mailing address of the Board shall be:  
Southeastern Wisconsin Oneida Tribal Services Advisory Board  
C/o Southeastern Wisconsin Oneida Tribal Services  
6811 W. Morgan Avenue  
Milwaukee, WI 53220
- 1-4. *Purpose.* It shall be the purpose of the Board to provide advice and constructive input to the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Director in order that the SEOTS office can formulate social services programs for the Oneida people residing in Southeastern Wisconsin. Each member of the Board shall act as an ambassador for the SEOTS program by promoting its mission whenever possible; shall review the program's budget; shall guide and advise SEOTS administration and shall adhere to the appropriate chain of command in any and all relative communications with the Oneida Business Committee.
- 1-5. *Membership.*
  - (a) *Number of Members.* The Board shall consist of seven (7) members who shall be appointed by the Oneida Business Committee.
  - (b) *Application for Membership.*
    - (1) Applicants who wish to be considered for membership shall be enrolled Oneida Tribal members who are eighteen (18) years of age or over.
    - (2) Board members shall reside within one of the six (6) Southeastern Wisconsin counties of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.
- 1-6. Appointments to the Board shall be made in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
- 1-7. Board members shall agree to firm commitments for attending the Board's meetings and General Tribal Council meetings, as well as, training, functions and other events as established by the Board, SEOTS office or the Tribe.
- 1-8. *Terms of Appointment.* Board members shall serve for a three (3) year term.
- 1-9. *Vacancies.* Each member shall hold office until his/her term expires, he/she resigns or his/her appointment is terminated. Resignations shall be in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. In the case of an unexpected vacancy on the Board, the Board Vice Chairperson shall notify the Tribal Secretary of the vacancy, requesting steps be taken to post the vacancy.
- 1-10. *Termination of Appointment.* A member may have his or her appointment terminated by the Oneida Business Committee by a two-thirds majority vote of the entire Oneida Business Committee pursuant to the Comprehensive Policy Governing Boards, Committees and Commissions. The Board may, by formal motion and action, request the

Oneida Business Committee terminate a member's appointment for one (1) or more of the following:

- (a) failure to attend four (4) regularly scheduled meetings without a verbal or written explanation to the Board.
  - (b) failure to attend fifty percent (50%) of the regularly scheduled meetings within a twelve (12) month period for any reason.
  - (c) alcohol use while performing official responsibilities or use of illegal drugs at any time.
  - (d) violation of a Tribal law which specifies termination of appointment as a penalty; or
  - (e) felony conviction while in office.
- 1-11. *Stipends.* A Board member shall receive a stipend, as funds permit, for each duly called meeting in the amount of \$75, per BC Resolution 10-25-06-C, provided that the meeting has established a quorum for a minimum of one hour and the Board member collecting the stipend was present for at least one hour of the established quorum.

## **Article II. Officers**

- 2-1. Any member of the Board may nominate or be nominated for the offices of Board Chairperson, Vice Chairperson, or Secretary.
- 2-2. *Duties of the Chairperson.* The Chairperson shall:
- (a) Preside at all meetings of the Board.
  - (b) Vote only in case of a tie or a need for consensus.
  - (c) Sign all correspondence of the Board.
  - (d) Be responsible for submitting approved Board meeting minutes to the Oneida Tribal Secretary for action or approval by the Oneida Business Committee.
  - (e) Submit quarterly reports to the Oneida Business Committee and semi-annual reports to the Oneida General Tribal Council.
  - (f) Assign sub-committees as necessary and maintain Board functions and responsibilities.
  - (g) Prepare and follow scheduled order of business.
- 2-3. *Duties for the Vice Chairperson.* The Vice Chairperson shall:
- (a) Perform the Chairperson's duties under section 2-2, in the absence or incapacity of the Chairperson. In the case of termination of appointment, resignation or death of the Chairperson, the Vice Chairperson shall become the Chairperson for the remainder of the vacated term.
  - (b) Notify the Oneida Business Committee SEOTS Liaison of any Board vacancy, requesting the vacancy be posted in the Kalihwisaks and on the Tribal website.
- 2-4. *Duties of the Secretary.* The Secretary shall:
- (a) Record and review the minutes of the Board's meetings.
  - (b) Sign all approved minutes.
  - (c) Disperse minutes in a timely manner to the Board.
  - (d) Maintain files for all minutes, reports and correspondence to and from the Board.
- 2-5. Additional responsibilities for Board officers shall be to perform such other duties and functions from time to time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Tribe, or as required by the Constitution and Bylaws of the Oneida Tribe of Indians of Wisconsin, or by the direction of the Oneida General Tribal Council, or as provided for by Tribal law.
- 2-6. Terms for officer positions shall be for one (1) year.



- 2-7. Election of officers shall take place at the first regular meeting in March of each year.

### **Article III. Meetings**

- 3-1. *Regular Meetings.* The Board's regular meetings shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month. The regular meeting time shall be at 6:00 p.m. The annual meeting schedule shall be posted in the SEOTS office, on the Tribal website and in the Kalihwisaks.
- 3-2. *Special and Emergency Meetings.*
- (a) Special or emergency meetings shall address a specific purpose and/or convene at a time outside of regular meeting times.
  - (b) Emergency meetings shall require a verbal or written notice from a Board officer to the entire Board within a minimum of twenty-four (24) hours prior to the beginning of the meeting.
- 3-3. *Quorum.* A Board quorum shall require a minimum of four (4) board members, one of which shall be the Chairperson or the Vice Chairperson. The Board shall not conduct any official action without the presence of a quorum.
- 3-4. *Voting.* Decisions of the Board shall be based upon the majority of a quorum of members present at regular, special or emergency called meetings of the Board.
- 3-5. *Community Meetings.* The Southeastern Wisconsin Community shall include all enrolled Oneida Tribal members residing in the six (6) Southeastern Wisconsin counties of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.
- (a) *Community meetings.* The Southeastern Wisconsin Community shall meet semi-annually.
  - (b) *Special and Emergency Events.* Notice should be given in writing to the Southeastern Wisconsin Community members ten (10) days prior to the event.
  - (c) *Place and Time.* Community Meetings shall be in such a place within the Southeastern portion of Wisconsin that is accessible to the community and will best serve the meeting purpose.
  - (d) *Role and Responsibility.* The purpose of the Community Meeting shall be for communication, information and sharing of ideas.
- 3-6. *Order of Business.* The meetings of the Board shall follow the order of business as set out herein:
- (a) Call to order/ roll call
  - (b) Approval of Agenda
  - (c) Approval of Minutes
  - (d) SEOTS Director's Report (once a month)
  - (e) Standing and Special Sub-Committee Reports
  - (f) Tabled Business
  - (g) New Business
  - (h) Open Session
  - (i) Adjournment

### **Article IV. Reporting**

- 4-1. *Reporting.* The Board Chairperson shall submit reports to the Tribal Secretary four (4) times annually in March, June, October and January, and semi-annual reports to the Oneida General Tribal Council.
- 4-2. *Format.* Agenda items shall be in an identified format.

- 4-3. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board for the Oneida Business Committee.
- 4-4. *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.
- 4-5. *Reporting to Liaison.* The Chairperson shall report to the Oneida Business Committee SEOTS liaison or to an alternate liaison in the case that the liaison is not available due to illness, removal, resignation, etc. This reporting format may be used as the liaison and the Board agrees to, but not less than that required in any policy on reporting developed by the Oneida Business Committee or the General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the liaison and the Board agree. Provided that, the agreement is to uphold the ability of the liaison to act as a support for the Board.

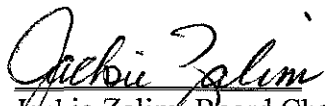
#### **Article V. Sub-Committees**

- 5-1. *Sub-Committees.* Sub-committees shall be created by the Board on an as needed basis. Board members sitting on sub-committees shall serve as volunteers and each will be expected to share in the responsibilities of the sub-committee relative to submitting, attending and participating in subcommittee meetings and submitting reports.
- 5-2. The Board is not bound by the findings or recommendations of a sub-committee.

#### **Article VI. Amendments**

- 6-1. These bylaws may be amended by majority vote of a Board quorum, with final approval of the Oneida Business Committee. Further, any amendment(s) to these bylaws will be required to be presented at one Board meeting and can not be approved until a second Board meeting. A majority vote will be required before forwarding for final Oneida Business Committee approval.

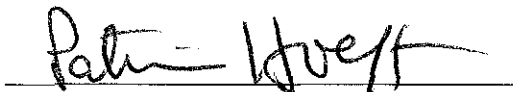
These Bylaws, as amended and revised, are hereby attested to as adopted by the Southeastern Wisconsin Oneida Tribal Services Advisory Board at a duly called meeting by the Chairperson's signature on this 12 day of January, 2009.



Jackie Zalim, Board Chairperson

Southeastern Wisconsin Oneida Tribal Services Advisory Board

And Approved by the Oneida Business Committee at a duly called meeting held on the 25<sup>th</sup> day of November, 2009.



Patricia Hoeft, Tribal Secretary  
Oneida Business Committee

~~THE~~ SOUTHEASTERN WISCONSINONEIDA TRIBAL SERVICES (SEOTS) ADVISORY BOARD BYLAWS**Article I. — Authority**

1-1. ~~1-1.~~ Name. The name of ~~the board~~this entity shall be the Southeastern Wisconsin Oneida Tribal Services (SEOTS) Advisory Board, ~~hereinafter, to~~  
and may be referred to interchangeably as “SEOTS or the Board.”

~~1-2. Authority.~~

1-2. Establishment. The ~~SEOTS Advisory Board~~ was ~~created by and has been delegated authority~~  
~~established through resolution BC-4-4-94-A, which was~~  
~~adopted by the Oneida Business Committee by authority of the Oneida Tribe of Indians~~  
~~of Wisconsin Constitution and Bylaws, adopted November 14, 1936, on April 4, 1994 pursuant~~  
~~to~~ the authority delegated it under Article IV, Section ~~1,~~  
~~Subsection (g)-1 of the Oneida Nation~~ Constitution.

~~1-3. Office and Location.~~ Authority. The official mailing address of the Board shall be:

~~Southeastern Wisconsin Oneida Tribal Services Advisory Board~~

~~C/o Southeastern Wisconsin Oneida Tribal Services~~

~~6811 W. was established for purposes of providing Morgan Avenue~~  
~~Milwaukee, WI 53220~~

~~1-4. Purpose.~~ It shall be the purpose of the Board to provide advice and \_\_\_\_\_  
\_\_\_\_\_ constructive input to the Southeastern Wisconsin Oneida Tribal Services  
\_\_\_\_\_ (SEOTS) Director working in order that the SEOTS office can partnership to  
formulate social services \_\_\_\_\_ programs for the Oneida  
people residing in Southeastern Wisconsin. ~~Each member of the Board shall act as by,~~  
including, but not limited to:

(a) Acting as an ambassador for the SEOTS program by promoting its mission  
\_\_\_\_\_ whenever possible; ~~shall review~~

(b) Reviewing the SEOTS program's budget; ~~shall guide~~

(c) Guiding and ~~advise~~advising the SEOTS administration ~~and shall adhere;~~

(d) Adhering to the appropriate chain of command in any and all relative  
communications with the Oneida Business Committee; and

(e) Carrying out all other powers and/or duties delegated to SEOTS by the laws  
and/or policies of the Nation.

1-4. Office. The official mailing address of the Board shall be:  
Southeastern Wisconsin Oneida Tribal Services Advisory Board  
c/o Southeastern Wisconsin Oneida Tribal Services  
5233 W. Morgan Avenue

Milwaukee, WI 53220

1-5. Membership.

~~1-4. 1-5. Membership.~~

~~(a) (a) Number of Members.~~ -The Board shall consist of ~~seven (7)~~five (5) members who shall ~~be appointed by the Oneida Business Committee serve three (3) year~~ terms.

~~(b) Application for Membership.~~

~~(1) Applicants who wish to be considered for membership shall be enrolled Oneida Tribal members who are eighteen (18) years of age or over.~~

~~(2) Board members shall reside within one of the six (6) Southeastern Wisconsin counties of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.~~ Appointment. Board members shall be appointed

~~(b) 1-6.~~ Appointments to the Board shall be made in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions law.

~~1-7. Board members shall agree to firm commitments for attending the Board's meetings and General Tribal Council meetings, as well as, training, functions and other events as established by the Board, SEOTS office or the Tribe.~~

~~1-8. Terms of Appointment. Board members shall serve for a three (3) year term.~~

~~(1) 1-9. Vacancies.~~ Each member shall hold office until his/her term/terms expires, he/she resigns, or his/her appointment is terminated. Resignations shall be in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions. In the case of an unexpected vacancy on the Board, the Board Vice Chairperson shall notify the Tribal Secretary of the vacancy, requesting steps be taken to post the vacancy. Boards, Committees and Commissions law.

~~1-10. Termination of Appointment. A member may have his or her appointment terminated.~~ (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 a two-thirds majority vote of delivering written notice to the entire Oneida Business Committee pursuant to the Comprehensive Policy Governing Support Office and the Board Chairperson or Chairperson's designee. The resignation is deemed effective upon acceptance by motion of a Board member's verbal resignation or upon delivery of the written notices.

(c) Vacancies. Vacancies on the Board shall be filled in accordance with the Boards, Committees and Commissions law.

(1) The Board Chairperson shall provide the Oneida Business Committee recommendations on all applications for appointment by the executive session in which the appointment is intended to be made.

(d) *Qualifications of Members.* Board members shall meet the following qualifications:

(1) Be an enrolled member of the Nation;

(2) Be at least eighteen (18) years of age or over; and

(3) Reside within one (1) of the following six (6) Southeastern Wisconsin Counties: Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.

~~1-6. The Termination.~~ A Board member may have his or her appointment terminated in accordance with the Boards, Committees and Commissions law.

(a) Upon majority vote of the members in attendance at a Board meeting of an established quorum, the Board may, by formal motion and action, request that the Oneida Business Committee terminate a member's appointment for one (1) or more of the following reasons:

(a) ~~failure to attend~~ (1) Accumulating four (4) unexcused absences from regularly scheduled meetings without within a twelve (12) month period.

(A) An absence shall be deemed unexcused if a verbal or member fails to provide written explanation notice of his or her pending absence to the a Board Officer at least thirty (30) minutes before the missed meeting.

(b) ~~failure~~ (2) Failing to attend at least fifty percent (50%) of the regularly scheduled meetings within a twelve (12) month period for any reason.

(c) (3) Using alcohol use while performing official responsibilities of the Board or use of using illegal drugs at any time.

(d) ~~violation of a Tribal law which specifies termination of appointment as a penalty; or~~

(e) (4) Violating these bylaws and/or any other laws of the Nation.

(5) Receiving a felony conviction while in office.

~~1-11. Stipends.~~ A Board member shall receive a stipend, as funds permit, for each duly called meeting in the amount of \$75, per BC Resolution 10-25-06-C, provided that the meeting has established a quorum for a minimum of one hour and the serving on the Board member collecting the stipend was present for at least one hour of the established quorum.

## ~~Article II. Officers~~

~~1-7. 2-1.~~ Any member of the *Trainings and Conferences*. Board ~~may nominate members shall~~ be required to attend mandatory trainings and/or be nominated for conferences in the offices following areas:

- (a) Robert's Rules of Order;
- (b) Oneida Language Classes; and/or
- (c) New Board Member Orientation by the SEOTS Director.
- (d) Regardless of the number of trainings/conferences that he or she is required to attend, no 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 consist of the following Officers: Chairperson, Vice--Chairperson, ~~or~~ and Secretary.

~~2-2.~~

~~2-2.~~ *Duties/Responsibilities of the Chairperson.* ~~The~~ The responsibilities, duties and limitations of the Chairperson shall be as follows:

- (a) ~~Preside at~~ Call and preside over all meetings of the Board.
- (b) ~~Vote only in case of a tie or a need for consensus.~~
- (c) ~~Sign all correspondence of the Board.~~
- (d) ~~Be responsible for submitting approved Board meeting minutes to the Oneida Tribal Secretary for action or approval by the Oneida Business Committee.~~
- (e)(d) Submit quarterly reports to the Oneida Business Committee, as well as annual and semi-annual reports to the Oneida General Tribal Council, in accordance with the Boards, Committees and Commissions law; and attend or designate a Board member to attend the Oneida Business Committee meeting where SEOTS' quarterly report appears on the agenda.
- (f)(c) Assign sub-committees as necessary and maintain Board functions and responsibilities.
- (g)(f) Prepare and follow scheduled order of business.

~~Perform such other duties and functions from time-2-3.~~ *Duties for the Vice Chairperson.*  
The Vice Chairperson shall:

- (a) ~~Perform the Chairperson's duties under section 2-2, in the absence or incapacity of the Chairperson. In the case of termination of appointment, resignation or death of the Chairperson, the Vice Chairperson shall become the Chairperson for the remainder of the vacated term.~~
- (b) ~~Notify the Oneida Business Committee SEOTS Liaison of any Board vacancy, requesting the vacancy be posted in the Kalihwisaks and on the Tribal website.~~

~~2-4.~~ *Duties of the Secretary.* The Secretary shall:

- (a) ~~Record and review the minutes of the Board's meetings.~~
- (b) ~~Sign all approved minutes.~~
- (c) ~~Disperse minutes in a timely manner to the Board.~~
- (d) ~~Maintain files for all minutes, reports and correspondence to and from the Board.~~



(g) ~~2-5.~~ Additional responsibilities for Board officers shall be to perform such other duties and functions from time to time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Tribe, or Nation; as required by the Constitution and Bylaws of the Oneida Tribe of Indians of Wisconsin, or by Nation; per the direction of the Oneida General Tribal Council; or as provided for by Tribal Law the laws of the Nation.

2-3. Responsibilities of the Vice-Chairperson. The responsibilities, duties and limitations of the Vice-Chairperson shall be as follows:

- (a) Perform the Chairperson's duties under section 2-2 of these bylaws, in the absence or incapacity of the Chairperson.
  - (1) In the case of termination of appointment, resignation or death of the Chairperson, the Vice-Chairperson shall become the Chairperson for the remainder of the Chairperson's term.
- (b) Notify the Oneida Business Committee Support Office of any Board vacancies or planned vacancies in accordance with the Boards, Committees and Commissions law.
- (c) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.

2-4. ~~2-6.~~ Terms Responsibilities of the Secretary. The responsibilities, duties and limitations of the Secretary shall be as follows:

- (a) 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.
- (b) Record and review the minutes of the Board's meetings and submit recorded minutes to the Oneida Business Committee Support Office in accordance with these bylaws.
- (c) Maintain files for officer all minutes, reports and correspondence to and from the Board in accordance with the Open Records and Open Meetings law.
- (d) Submit signed and completed A/P Check Request Forms, Minutes Approved Signature Sheets, and Meeting Attendance Sheets to the appropriate recipient.
- (e) In the event that both the Chairperson and Vice-Chairperson positions shall be 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.
- (f) Perform such other duties and functions from time-to-time as may be requested by the Director of SEOTS, who is of management staff of the Oneida Nation; as required by the Constitution of the Oneida Nation; per



the direction of the Oneida General Tribal Council; or as provided for by the laws of the Nation.

2-5. Selection of Officers. Officers of the Board shall serve one (1) year terms.

- (a) ~~2-7. Election of officers~~ Any member of the Board may self-nominate or be nominated for the offices of Chairperson, Vice-Chairperson or Secretary.
- (b) Elections of Officers shall take place at the first regular Board meeting of an established quorum in March of each year by majority vote of the members in attendance.
- (c) 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.
- (d) Board members may hold only one (1) Officer position per Officer term.

2-6. 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.
- (b) All Board Officers have sign-off authority and (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
  - (1) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (c) Travel shall be approved by majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum.

2-7. Personnel. The Board shall not have authority to hire personnel for the benefit of the Board.

Article III.

Article III. Meetings

~~3-1. Regular Meetings.~~ ~~3-1. Regular Meetings.~~ The Board's regular meetings shall be held on the 2nd and 4<sup>th</sup> Tuesday Monday of each month. ~~The regular meeting time shall be, beginning at 6:00 p.m., in the SEOTS building located in~~  
Milwaukee, Wisconsin.

- (a) The meeting date, time and location may change from time-to-time as determined by a majority vote of the members consisting of no less than a Board quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Open Records and Open Meetings law, prior to implementation of the new date, time and/or location.

(b) The annual meeting schedule shall be posted in the SEOTS office, on the Tribal Nation's website and in the Kalihwisaks.

(c) The Secretary shall provide notice of meeting agendas, documents and minutes to all Board members in writing and, along with the public, in accordance with the Open Records and Open Meetings law.

3-2. ~~Special and~~ Emergency Meetings.

(a) ~~Special or emergency meetings shall address a specific purpose and/or convene at a time outside of regular meeting times.~~

Emergency meetings shall ~~may~~ convene as needed outside of regular meeting times when time sensitive issues require immediate action.

(b) ~~(a verbal or written)~~ Board Officers may call emergency meetings so long as they provide notice from a Board officer to the entire Board ~~within~~ via telephone call and in writing a minimum of twenty-four (24) hours prior to the beginning of the meeting.

(1) Notice provided to members via email must be sent to the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the Board.

(2) Notice of emergency meetings shall further be provided to all members, as well as the public, in accordance with the Open Records and Open Meetings law.

(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.

3-3. ~~Joint Meetings.~~ Joint meetings with the Oneida Business Committee shall be held on an as needed basis per the approval 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 Joint Meetings with Boards, Committees and Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

3-4. ~~Quorum.~~ A Board quorum shall ~~require a minimum consist~~ of four (4) board at least three (3) Board members, one of which shall be the Chairperson or the Vice-Chairperson.

(a) The Board shall not conduct any official action without the presence of a quorum.

(b) In lieu of the Chairperson and Vice-Chairperson, the Secretary may complete the quorum for meetings that are called pursuant to section 2-4(c) of these bylaws.

3-5. ~~Order of Business.~~ The order of business, as far as applicable, shall be as follows:

(a) Call to Order

(b) Adopt the Agenda

- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) SEOTS Director's Report (once a month)
- (g) Other Business
- (h) Executive Session
- (i) Adjournment

3-46. *Voting.*—Decisions of the Board shall be based upon a majority vote of members in attendance at a regular or emergency Board meeting of an established quorum.

- (a) The Chairperson, or Board Officer presiding in lieu of the Chairperson, shall not be allowed to vote unless a tie needs to be broken.
- (b) E-polls are allowed 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 e-polls in the Chairperson's absence or discretion.

**Article IV.**~~the majority of a quorum of~~ **Expectations**

4-1. *Behavior of Members.* While acting on behalf of the Board, members are prohibited from:

- (a) Bullying;
- (b) Name calling;
- (c) Using excessive profanity; and/or
- (d) Engaging in other disrespectful behavior deemed inappropriate by the Board.
- (e) Enforcement. A member who violates this or any other section of these bylaws and/or any governing law of the Nation, may be subject to one or more of the following:
  - (1) If deemed violent or threatening during a Board meeting, dismissal from the meeting by the Chairperson or Vice-Chairperson.
  - (A) If the unwanted behavior escalates after dismissal, the proper authorities will be called.
  - (2) By majority vote of the members present at ~~regular, special or emergency called meetings of the Board~~ a Board meeting of an established quorum, the Board's recommendation to the Oneida Business Committee for the termination of his or her appointment.
  - (3) Disciplinary action in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a Board member that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person, or damage to property are strictly prohibited.

4-3. Drug and Alcohol Use. Alcohol use while performing official responsibilities of the Board or use of illegal drugs at any time by a Board member is prohibited.

- (a) Any member discovered to be under the influence of alcohol or an illegal drug while attending a Board meeting or event will, along with any other possible action under section 4-1, be dismissed by the Chairperson or Vice-Chairperson from that meeting/event.

4-4. ~~3-5. Community Meetings.~~ The Southeastern Wisconsin Community Social Media. Members shall include all enrolled Oneida Tribal members residing in comply with the six (6) Southeastern Wisconsin counties Nation's Social Media Policy, their oath of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee office and Washington.

- (a) ~~Community meetings.~~ The Southeastern Wisconsin Community shall meet semi-annually.  
(b) ~~Special and Emergency Events.~~ Notice should be given in writing to the Southeastern Wisconsin Community members ten (10) days prior to the event.  
(c) ~~Place and Time.~~ Community Meetings shall be in such following when using social media on behalf or as a place within the Southeastern portion of Wisconsin that is accessible to the community and will best serve the meeting purpose.  
(d) ~~Role and Responsibility.~~ The purpose of the Community Meeting shall be for communication, information and sharing of ideas.

3-6. ~~Order of Business.~~ The meetings representative of the Board shall follow the order of business as set out herein:

- (a) Call to order/ roll call  
(b) Approval Use of Agenda  
(c) Approval of Minutes

(d) ~~the SEOTS Director's Report (once a month)~~ Advisory Board Facebook Page.

- (1) If a post by a Board member on any social media platform is made and it is perceived in a negative or inappropriate way, that Board member shall be counseled in the following meeting.  
(2) If a post is made by a community member and is perceived in a negative or inappropriate way, one (1) of the three (3) administrators will delete the comment or post. That community member will be contacted by an administrator. If the conflict cannot be resolved, the Board will decide how to proceed at the following Board meeting.

4-5. Conflict of Interest. Board members shall comply with all laws and policies of the Nation governing conflicts of interest.

## Article V. Stipends and Compensation

5-1. (e) Standing and Special Sub-Committee Reports

(f) Tabled Business

(g) — New Business

(h) — Open Session

(i) — Adjournment

#### **Article IV. — Reporting**

~~4.1. — Reporting. The Board Chairperson shall submit reports to the Tribal Secretary four (4) times annually in March, June, October and January, and semi-annual reports to the Oneida General Tribal Council.~~

~~4.2. — Format. Agenda items shall be in an identified format.~~

~~4.3. — Minutes. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Board for the Oneida Business Committee.~~

~~4.4. — 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.~~

~~4.5. — Reporting to Liaison. The Chairperson shall report to the Oneida Business Committee SEOTS liaison or to an alternate liaison in the case that the liaison is not available due to illness, removal, resignation, etc. This reporting format may be used as the liaison and the Board agrees to, but not less than that required in any policy on reporting developed by the Oneida Business Committee or the General Tribal Council. Reports shall be made within a reasonable time after a meeting is held, or as the liaison and the Board agree. Provided that, the agreement is to uphold the ability of the liaison to act as a support for the Board.~~

#### **Article V. — Sub Committees**

~~5.1. — Sub Committees. Sub committees shall be created by the Board on an as-needed basis. Board members sitting on sub-committees shall serve as volunteers and each will be expected to share in the responsibilities of the sub-committee relative to submitting, attending and participating in subcommittee meetings and submitting reports.~~

~~5.2. — The Board is not bound by the findings or recommendations of a sub-committee.~~

#### **Article VI. — Amendments**

~~6.1. — These bylaws may be amended by majority vote of a Board quorum, with final approval of the Oneida Business Committee. Further, any amendment(s) to these bylaws will be required to be presented at one Board meeting and can not be approved until a second Board meeting. A majority vote will be required before forwarding for final Oneida Business Committee approval.~~

These Bylaws, as amended and revised, are hereby attested to as adopted by the Southeastern Wisconsin Oneida Tribal Services Advisory Board at a duly called meeting by the Chairperson's signature on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Jackie Zalim, Board Chairperson

~~Southeastern Wisconsin Oneida Tribal Services Advisory Board~~

And Approved by \_\_\_\_\_ *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) One (1) meeting stipend per month, provided that:

(1) A quorum was established;

(2) The meeting of the established quorum lasted for a minimum of one (1) hour; and

(3) The member collecting the stipend was physically present for the entire meeting of the established quorum.

(b) A stipend for attending a Judiciary hearing if the member's attendance was required by official subpoena.

(c) A stipend for attending a duly called joint meeting between the Board and the Oneida Business Committee at a duly called meeting held on the \_\_\_\_\_, provided that:

(1) A quorum was established by the Board;

(2) The joint 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 joint meeting.

(d) A stipend for each day of attendance at a conference or training, provided that:

(1) The member attended a full day of \_\_\_\_\_, 2009 training or was present at the \_\_\_\_\_ conference for a full day; and

(2) The member's attendance at the conference or training was mandated by law, bylaws or resolution.

5-2. *Compensation.* Besides reimbursement for travel, per diem and business expenses authorized by the Boards, Committees and Commissions law, members shall not be entitled to any other form of compensation for duties/activities performed on behalf of the Board.

## **Article VI.**

Patricia Hoeft, Tribal Secretary

### **Records and Reporting**

6-1. *Agenda Items.* Agendas shall be maintained in a consistent format furnished by the Oneida Business Committee Support Office.

6-2. *Minutes.* Minutes shall be typed and in a consistent format designed by the Oneida Business Committee Support Office to generate the most informative record of the Board's meetings.

(a) Within thirty (30) days of Board approval, the Secretary shall submit the minutes to the Oneida Business Committee Support Office for filing.

6-3. *Attachments.* Handouts, reports, memoranda and the like shall be attached to the minutes and agenda of the meeting in which they were presented to be maintained in accordance with the Open Records and Open Meetings law.

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 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.

(b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the Board.

6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded using a device approved and/or furnished by the Oneida Business Committee Support Office.

(a) Audio recordings shall be maintained on the network in accordance with the Open Records and Open Meetings law.

(1) *Exception.* Audio recordings of executive session portions of a meeting shall not be required.



Article VII. Amendments

7-1. *Amendments.* These bylaws may be amended by majority vote of the members in attendance at a Board meeting of an established quorum.

(a) Proposed amendments to these bylaws must be presented at one Board meeting and cannot be approved until a subsequent Board meeting.

(1) A majority vote of the members in attendance at a Board meeting of an established quorum is required before bylaws amendments will be forwarded to the Oneida Business Committee for approval.

(b) Amendments shall be approved by the Oneida Business Committee and/or the General Tribal Council, before implementation.

(c) 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.

(d) The Board shall conduct a review of its bylaws no less than on an annual basis.

[SIGNATURE BLOCK HERE]

**Oneida Business Committee Agenda Request**

Approve the Oneida Nation School Board bylaws

**1. Meeting Date Requested:** 10 / 9 / 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 SCHOOL BOARD BYLAWS****Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Nation School Board and may hereinafter be referred to as the Board.

1-2. *Establishment.* The Oneida Nation School Board was established in 1977 by the Oneida General Tribal Council.

1-3. *Authority.*

- (a) *Purpose.* The Board was established to coordinate existing and future education programs of the Oneida Nation; per directive of the Oneida General Tribal Council, to be an autonomous administrator of the Oneida Nation School System (“System”) under a Memorandum of Agreement with the Oneida Business Committee; and to administer the Oneida Nation School System Endowment in accordance with the Nation’s Endowments law as authorized under resolution BC-02-27-19-B.
- (b) *Powers and Duties.* In accordance with the Oneida General Tribal Council’s directive, on March 21, 1988, the Board entered into a Memorandum of Agreement (“MOA”) with the Oneida Business Committee, delegating certain powers and duties to the Board, which, subject to amendment from time-to-time hereafter, include, but are not limited to:
- (1) Overseeing and planning, in coordination with the Oneida Business Committee, for the academic and cultural growth of the students within the System;
  - (2) Monitoring school operations and development, ensuring their compliance with sound academic practice and consistency with community priorities, as well as the Nation’s initiatives and planning;
  - (3) Approving all curriculum developed and implemented for use within the System, ensuring quality academic instruction that incorporates Oneida cultural tenets;
  - (4) Providing direct involvement in the process of personnel matters, as prescribed in the MOA, to be consistent with the Nation’s Personnel Policies and Procedures so as to ensure the maintenance of quality staff and policy benefiting the harmony of the staff and ultimately the students within the System;
  - (5) Reviewing, endorsing and submitting all contracts, grants, and proposals relative to the System’s operation and planning consistent with the Nation’s policies and procedures, as well as the System’s funding cycles, by ensuring a level of funding that corresponds with the System’s developmental and operational needs;
  - (6) Meeting with the Oneida Business Committee to negotiate any disputes which may arise between the Oneida Business Committee and the Board;

- (7) Monitoring long and short-range educational programming for the students attending Nation-specific programs of study; and
- (8) Developing and maintaining consistent procedures to be employed as it carries out its charge to the Oneida General Tribal Council and the Oneida Nation School System.

- (c) The Board shall adhere to the laws of the Nation when exercising the authority delegated it under the MOA, as may be amended from time-to-time hereafter, and shall further exercise any other powers and duties delegated to the Board through the laws, policies, rules and resolutions of the Nation in a manner consistent therewith.

1-4. *Office.* The official mailing address of the Oneida Nation School Board is:  
Oneida Nation School Board  
P.O. Box 365  
Oneida, WI 54155-0365

1-5. *Membership.*

- (a) *Number of Members.* The Oneida Nation School Board shall be comprised of nine (9) members.
- (b) *Elected.* Members of the Board shall be chosen by election to three (3) year staggered terms in accordance with any laws and/or policies of the Nation governing elections.
- (1) Members of the Board shall hold office until their term expires, they resign, or they are terminated/removed from office.
- (A) A member whose term has expired may remain in office until his or her successor is sworn in by the Oneida Business Committee.
- (B) A member may resign at any time either verbally during a Board meeting or by delivering written notice to the Oneida Business Committee Support Office and the Board Chairperson or Chairperson's designee.
- (i) A resignation is deemed effective upon acceptance by Board motion of the member's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies of the Board shall be filled as follows:
- (1) *Expired Terms.* Vacancies caused by term expiration shall be filled by election in accordance with any laws and/or policies of the Nation governing elections to office.
- (2) *Unexpired Terms.* Vacancies that occur before the end of a term shall be filled by appointment of the Oneida Business Committee pursuant to the Boards, Committees and Commissions law.
- (A) The Board Chairperson shall provide the Oneida Business Committee with recommendations on all applications for appointment to fill a vacancy of an unexpired term by the executive session in which the appointment is intended to be made.

- (d) *Qualifications of Members.* Members of the Board shall meet the following qualifications:
- (1) Be at least eighteen (18) years of age;
  - (2) Be enrolled members of the Oneida Nation;
  - (3) Four (4) of the nine (9) members must be parents/guardians of a student attending the Oneida Nation School System; and
  - (4) Have passed an Annual Care Giver Background Check (State of Wisconsin Form F-80264).

1-6. *Termination and Removal.* A Board member found to be in violation of these bylaws or any applicable law, policy and/or resolution of the Nation may be subject to the following:

- (a) If the member was elected, the Board may direct the Chairperson to file a petition for his or her removal on behalf of the Board pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.
- (b) If the member was appointed, the Board may direct the Chairperson to provide a recommendation to the Oneida Business Committee for his or her termination in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing the termination of appointed officials.
- (c) Petitions for removal and/or recommendations for termination shall be decided by a majority vote of the Board members present at a meeting of an established quorum.

1-7. *Trainings and Conferences.* Board members shall attend the following mandatory trainings and/or conferences:

- (a) As recommended by the Superintendent;
- (b) Bi-annual trainings/conferences with the Bureau of Indian Education;
- (c) Interview Certification from Oneida Nation; and/or
- (d) Disciplinary Action from Oneida Nation.
- (e) 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 of mandatory trainings/conferences per year.

## **Article II. Officers**

2-1. *Officers.* The Officer positions for the Oneida Nation School 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 shall be to:

- (a) Call and preside over all regular meetings, emergency meetings and hearings of the Board;
- (b) Represent the Board and the System at official functions;

- (c) Ensure that the Board complies in its charge to the Nation and the System;
- (d) Be an ex officio member of any committee established by the Board;
- (e) Carry out all general duties and powers assigned to the Board pursuant to the Oneida Nation's Constitution, any laws of the Nation and the most current version of the MOA, which may be amended from time-to-time hereafter;
- (f) 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; and submit other reports as required by resolution BC-02-27-19-B, the most current version of the MOA, and any other governing law, policy or resolution of the Nation; and
- (g) Attend, or designate a member to attend, the Oneida Business Committee meeting in which the Board's quarterly report appears on the agenda.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson shall be to:

- (a) Act in replacement of the Board Chairperson should for any reason he or she be unable to carry out the above prescribed powers and duties;
- (b) Chair ad hoc committees established by the Board; and
- (c) Carry out all general duties and powers that are duly assigned or delegated to the Board.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary shall be to:

- (a) Act in the absence of the Chairperson and Vice-Chairperson in the carrying out of their powers and duties;
  - (1) With respect to calling or presiding over meetings of the Board, the Secretary's authority shall be limited as follows:
    - (A) In the event that both the Chairperson and Vice-Chairperson positions have become vacant before the end of their terms, the Secretary shall have the authority to call Board meetings 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 absence of the Chairperson, shall preside.
- (b) Establish the agenda and provide notice of all meeting locations, agendas, documents and minutes to all members of the Board, as well as the public, in accordance with the Boards, Committees and Commissions law, the Open Records and Open Meetings law, these bylaws, and the most current version of the MOA;
- (c) Maintain accurate recording and presenting of all Board minutes and other formal documents in accordance with the Boards, Committees and Commissions law, the Open Records and Open Meetings law, these bylaws, and the most current version of the MOA;

- (d) Work closely with System staff and/or the Oneida Business Committee Support Office to ensure timely reporting of all Board actions; and
- (e) Carry out all general duties and powers that are duly assigned or delegated to the Board.

2-5. *Selection of Officers.* Officers of the Board shall be elected by a majority vote of the members in attendance at a Board meeting of an established quorum to terms of one (1) year.

- (a) Officer elections shall occur at the first Board meeting of an established quorum that takes place subsequent to an election of the Board members.
- (b) Board Officers shall hold their positions until the new Officers are elected.
  - (1) Officers may be re-elected and there is no limitation upon the number of times a member may run for an Officer position.
  - (2) Board members shall not hold more than one (1) Officer position per Officer term.
- (c) If for any reason, an Officer of the Board cannot fulfill the obligations of his or her Officer position, upon majority vote of the members present at a Board meeting of an established quorum, that member may be dismissed from his or her Officer position and a new Officer shall be elected.

2-6. *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 Divisional Directors/Tribal School Chairperson/Trust Committee/Gaming Director.
  - (1) All Board Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except for the following
    - (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
- (b) Travel on behalf of the Board for any member shall be approved by majority vote of the members in attendance at a regular or emergency Board meeting of an established quorum.

2-7. *Personnel.* Commencing on the date these bylaws are adopted by the Oneida Business Committee and from that point forward, the Board shall not have authority to hire personnel for the benefit of the Board.

- (a) The Board shall have authority to be involved in the hiring of personnel for the System so long as conducted in accordance with the most current version of the MOA, the Nation's Personnel Policies and Procedures, and any applicable accounting policies/procedures of the Nation.
- (b) The Board shall have authority, at its discretion, to hire consultants and other resource persons to help carry out the stated purposes and goals of the System, subject to the following:



- (1) The Superintendent shall assist the Board with establishing criteria for the hiring of consultants/resource persons and, when appropriate, provide selection recommendations to the Board.
- (2) Consultants/resource persons shall be hired under formal contract per the process set forth in the most current version of the MOA and consistent with the policies and procedures of the Nation.
- (c) Where issues arise between the Board and individuals/entities other than the Oneida Business Committee, the Board shall have the authority to avail itself of legal counsel per the Request for Proposal (“RFP”) process set by the Nation’s competitive bidding/purchasing policies and procedures, to protect the powers and responsibilities delegated to the Board by the Oneida General Tribal Council.
- (1) Prior to commencing with the RFP process to retain outside counsel, the Board shall be required to avail itself of counsel through the Oneida Law Office; provided, it is capable and willing to supply the Board with the necessary legal services.

### Article III. Meetings

3-1. *Regular Meetings.* Meetings of the Board shall be held at 5:00 p.m. on the first Monday of each month in the Oneida Nation Elementary School, located at N7125 Seminary Road in Oneida, Wisconsin.

- (a) The meetings date, time and/or location may change from time-to-time as determined by a majority vote of the members present at a Board meeting of an established quorum; provided, notice is given to all members in writing and, along with the public, in accordance with the Nation’s Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.
- (b) The agenda for regular meetings shall be established by the Secretary, or Secretary’s designee, in accordance with these bylaws.
- (1) Board members and other persons wishing to have items placed on the agenda should submit the item to the Secretary, or Secretary’s designee.
- (2) Items should be submitted at least ten (10) days prior to the next regular meeting.
- (c) Action items shall be incorporated into the School Superintendent’s report.
- (d) The Secretary or Secretary’s designee shall prepare the meeting agenda, minutes and other appropriate documentation for action items; mail or email them to each Board member, along with the Superintendent, at least seven (7) days before a regular meeting date; and further provide them to all members, as well as the public, in accordance with the Nation’s Open Records and Open Meetings law.
- (1) Any email correspondence to Board members must be sent to the official Oneida Nation email address that was provided to them to conduct business electronically on behalf of the Board (“Official Email”).

3-2. *Emergency Meetings.*

- (a) An emergency meeting may be called when there is an imminent issue that needs to be addressed by the Board before its next scheduled meeting.
- (1) The Board is delegated the authority to represent the parents and the Oneida General Tribal Council in the conducting of System related business. Under certain governmental and other System related agreements, some contractors require periodic meetings that require parent representation. This constitutes an imminent issue for which an emergency meeting may be called when necessary to satisfy the Board's contractual obligations.
- (A) Meetings to fulfill contractual obligations may be held on the evenings of regular Board meetings or may be separately scheduled. In either case, along with the notice required in subsection (c) of this section if the meeting was called as an emergency or in section 3-1(d) if called as part of a regular meeting, the Secretary or Secretary's designee must provide notice to all groups identified by the contractor as set forth within the contract, or in writing if not set by contract, and to all parents through the school newsletter, as well as the Kalihwisaks.
- (b) Emergency meetings may be called by the Chairperson and upon request of a Board member or System administrator.
- (1) Board members or System administrators shall contact the Board's Chairperson or Vice-Chairperson to request an emergency meeting.
- (A) The Chairperson, or when he or she cannot be reached, the Vice-Chairperson shall determine whether the basis for the Board member's or System administrator's request justifies scheduling an emergency meeting.
- (c) The Chairperson or Chairperson's designee shall provide notice of emergency meetings to all Board members by telephone call, as well as via their Official Email, and to the System administration at least twenty-four (24) hours in advance of the meeting; and shall further provide notice to all Board members and the rest of the public in accordance with the Nation's Open Records and Open Meetings law.
- (A) The notice shall state the emergency matter or matters to be addressed.
- (B) The agenda for emergency meetings shall consist of only those items of business for which the meeting was called.
- (i) During the emergency meeting, the Board may engage in discussion of matters other than those specified on the agenda; however, formal action may only be taken on the agenda items for which the emergency meeting was called.
- (d) 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.

- 321
- 322 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee may be held in the
- 323 Oneida Business Committee Conference Room of the Norbert Hill Center,
- 324 at the request of either entity, on an as needed basis, and per the approval of
- 325 the Oneida Business Committee.
- 326 (a) Notice of the joint meeting agenda, documents, and minutes shall be
- 327 provided, and the joint meeting conducted, in accordance with resolution
- 328 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with
- 329 Boards, Committees and Commissions – Definitions and Impact, as may be
- 330 amended from time to time hereafter.
- 331
- 332 3-4. *Quorum.* A quorum of the Board shall consist of a majority of the current members,
- 333 one of whom must be the Chairperson, Vice-Chairperson or Secretary;
- 334 provided, the Secretary is presiding over the meeting in accordance with
- 335 section 2-4(a)(1)(A).
- 336
- 337 3-5. *Order of Business.* The order of business, as far as applicable, is:
- 338 (a) Call to Order
- 339 (b) Adopt the Agenda
- 340 (c) Approval of Minutes
- 341 (d) Old Business
- 342 (e) New Business
- 343 (f) Reports
- 344 (g) Other Business
- 345 (h) Executive Session
- 346 (i) Adjournment
- 347
- 348 3-6. *Voting.* Decisions of the Board shall be based on a majority vote of members in
- 349 attendance at a regular or emergency meeting of an established quorum.
- 350 (a) All members of the Board shall have one equal vote.
- 351 (1) In all matters requiring a vote of the Board, the Chairperson, or in
- 352 the absence of the Chairperson, the presiding Officer, shall call for
- 353 a vote of the membership.
- 354 (A) All members, excluding the presiding Officer, shall vote or
- 355 enter an abstention.
- 356 (B) In the event of a deadlock, the Chairperson, or the presiding
- 357 Officer acting in his or her place, shall vote to break the
- 358 deadlock.
- 359 (b) E-polls are permissible so long as conducted in accordance with the Boards,
- 360 Committees and Commissions law.
- 361 (1) The Chairperson shall appoint either the Vice-Chairperson or
- 362 Secretary to serve as the designee responsible for conducting e-polls
- 363 in lieu of the Chairperson.
- 364
- 365
- 366

**Article IV. Expectations**

4-1. *Behavior of Members.* The Board has a moral duty and responsibility to the System, the community, and the students. In the carrying-out of that responsibility, members of the Board are expected to adhere to the following principles of conduct:

- (a) Individual Board members shall not intervene in the orderly process of System administration and governance. Concerns over policy or personnel matters shall be addressed through the application of the principles set out in the most current version of the MOA and consistent with the Nation's Personnel Policies and Procedures.
- (b) The Board shall act only at duly authorized meetings with at least a quorum present to conduct business and develop policy for the System. All the Board's actions shall be within the charge granted to the Board by the Oneida General Tribal Council, the most current version of the MOA, and any other applicable laws, policies and/or resolutions of the Nation.
  - (1) Members of the Board shall not speak or act on behalf of the Board unless the Board has specifically authorized a member to speak or act on its behalf by majority vote of the members present at a Board meeting of an established quorum.
- (c) In any issues before the Board involving a Board member's immediate family member and potential nepotism, that Board member shall decline comment and abstain from voting.
  - (1) Immediate family member shall be as defined in the Nation's Conflict of Interest law.
- (d) Board members must be apolitical in their charge to the community and the students. Board members shall take no action to endorse or otherwise support any candidate for any Tribal office or position.
- (e) While acting on behalf of the Board, members shall faithfully maintain the principles of due process and assure that all sides have a legitimate hearing in any issue brought before the Board.
- (f) Members of the Board will bargain in good faith with all employees of the System.
- (g) Board members shall strictly adhere to the policies and procedures of the System, the most current version of the MOA, as well as any other applicable the laws, policies and resolutions of the Nation, and shall work in consort for the positive growth of the System and for all of its students.
- (h) Board members shall notify a Board Officer of an absence and reason for absence prior to the start of a meeting.
  - (1) Board members shall not accrue three (3) consecutive unexcused absences from meetings in a one (1) year period.
    - (A) A member who fails to notify a Board Officer, in writing, of his or her pending absence at least thirty (30) minutes before the missed meeting shall be deemed unexcused.
- (i) *Enforcement.* Any member of the Board found to be in violation of this section of the bylaws, another section of these bylaws or any other laws, policies and/or resolutions of the Nation may be subject to the following:

- 413 (1) Disciplinary action in accordance with any laws or policies of the  
414 Nation governing sanctions and/or penalties for elected or appointed  
415 officials.
- 416 (2) If the member was appointed, the Board may make a  
417 recommendation to the Oneida Business Committee for termination  
418 of his or her appointment in accordance with the Boards,  
419 Committees and Commissions law and/or any other law of the  
420 Nation governing termination of appointed officials.
- 421 (3) If the member was elected, the Board may direct the Chairperson to  
422 file a petition for his or her removal in accordance with the Removal  
423 law and/or any other laws or policies of the Nation governing  
424 removal.
- 425 (4) Enforcement hereunder shall be determined by a majority vote of  
426 the members in attendance at a Board meeting of an established  
427 quorum.
- 428
- 429 4-2. *Prohibition of Violence.* Board members are prohibited from engaging in or committing  
430 any violent intentional act that inflicts, attempts to inflict, or threatens to  
431 inflict emotional or bodily harm on another person, or damage to property.  
432
- 433 4-3. *Drug and Alcohol Use.* When acting in their official capacity, the use of alcohol and/or  
434 prohibited drugs by members of the Board is forbidden.
- 435 (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines,  
436 phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics,  
437 any other substances included in Schedules I through V under Section 812  
438 of Title 21 of the United States Code, and prescription medication or over-  
439 the-counter medicine used in an unauthorized or unlawful manner.  
440
- 441 4-4. *Social Media.* Social media shall be used in accordance with the Board members' oath of  
442 office and any laws or policies of the Nation governing social media.  
443
- 444 4-5. *Conflict of Interest.* Conflicts of interest shall be reported and mitigated/removed in  
445 accordance with any laws or policies of the Nation governing conflicts of  
446 interest.  
447

## 448 **Article V. Stipends and Compensation**

- 449 5-1. *Stipends.* Members of the Board shall be eligible to receive the following stipends as  
450 set forth in and subject to these bylaws; the Boards, Committees and  
451 Commissions law; and resolution BC-05-08-19-B titled, Amending  
452 Resolution BC-09-26-18-D Boards, Committees and Commissions Law  
453 Stipends, as may be further amended from time-to-time hereafter:
- 454 (a) Two (2) meeting stipends per month, provided that:
- 455 (1) A quorum was established;
- 456 (2) The meeting of the established quorum lasted for at least one (1)  
457 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 Board and the Oneida Business Committee, provided that:
- (1) A quorum was established by the Board;
- (2) The joint meeting lasted for at least one (1) hour; and
- (3) The member collecting the stipend was physically present for the entire joint meeting.
- (c) A stipend for participating in interviews and/or job description pre-screens.
- (d) A stipend for conducting an official hearing of the Board.
- (e) A stipend for attending an Oneida Judiciary Hearing so long as the member's attendance is required by official subpoena.
- (f) A stipend for each day of attendance at 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.
- (g) To receive a stipend for attending any of the events described in 5-1(d) - (f), members must obtain formal approval of eligibility from the Board and the Oneida Business Committee prior to their attendance.
- 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, there are no other forms of compensation that members are eligible to receive for the 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 consistent format provided by the Oneida Business Committee Support Office and approved by the Board.
- 6-2. *Minutes.* All meeting minutes shall be typed and in a consistent format designed by the Oneida Business Committee, as approved by the Board, to generate the most informative record.
- (a) Minutes must include a summary of the action taken by the Board.
- (b) Minutes shall be submitted to the Oneida Business Committee Support Office within five (5) business days of approval by the Board.
- 6-3. *Attachments.* Any handouts, attachments, reports, memoranda, and the like provided at a Board meeting shall be included with their corresponding agenda and minutes and maintained in accordance with the Nation's Open Records and Open Meetings law.
- 6-4. *Oneida Business Committee Liaison.* The Board shall regularly communicate with the Oneida Business Committee member who is its designated liaison.

- 503 (a) The format and frequency of communication shall be as agreed upon by the  
504 Board and the liaison through formal action of the Board, but not less than  
505 that required in any law or policy on reporting developed by the Oneida  
506 Business Committee or Oneida General Tribal Council.
- 507 (b) The purpose of the liaison relationship is to uphold the ability of the liaison  
508 to act as a support to the Oneida Nation School Board.  
509

510 6-5. *Audio Recordings.* All meetings of the Board shall be audio recorded by either the Oneida  
511 Business Committee Support Office or designee of the Officer presiding  
512 over the meeting using a device supplied by the Oneida Business  
513 Committee Support Office.

- 514 (a) The presiding Officer shall ensure each meeting is audio recorded.
- 515 (b) Audio recordings shall be maintained by the Oneida Business Committee  
516 Support Office in accordance with the Nation's Open Records and Open  
517 Meetings law.
- 518 (1) *Exception.* Audio recordings of executive session portions of a  
519 meeting shall not be required.  
520

## 521 **Article VII. Amendments**

522 7-1. *Amendments.* Amendments to these bylaws shall be approved by majority vote of the  
523 members present at a regular Board meeting of an established quorum,  
524 provided that written notice of the proposed amendments was made at a  
525 prior regular meeting.

- 526 (a) Amendments to these bylaws shall conform to the requirements of the  
527 Boards, Committees and Commissions law and any other governing  
528 policies of the Nation.
- 529 (b) Amendments must be approved by the Board and the Oneida Business  
530 Committee before implementation.
- 531 (c) The Board shall conduct a review of these bylaws no less than on an annual  
532 basis.  
533

534 [Signature Block]





Analysis to Proposed Draft

2019 10 02

HANDOUT

## Oneida Nation School Board Bylaws Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P. Jordan	DRAFTER: Kristen M. Hoker	ANALYST: Maureen Perkins
Complies with Boards, Committees and Commissions Law	These bylaws 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 [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Nation School Board (School Board) to govern the standard procedures regarding the way the School Board conducts its affairs, including: the election and appointment of persons to the School 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 or termination process, required training, and amendments to the bylaws.		
Purpose	The School Board was established to coordinate existing and future education programs of the Oneida Nation; per directive of the Oneida General Tribal Council (GTC), to be an autonomous administrator of the Oneida Nation School System (ONSS) under a Memorandum of Agreement (MOA) with the OBC and to administer the ONSS Endowment in accordance with Endowments law under resolution BC-02-27-19-B [Proposed Bylaws 1-3(a)].		
Related Legislation	Oneida Nation Constitution, Administrative Rulemaking law, Endowments law, Boards, Committees and Commissions law, Election law, Removal Law, Social Media Policy, Computer Resources Ordinance, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Removal from an elected position on the School Board follows the Removal Law [1 O.C. 104] and termination from an appointed position on the School Board follows the Boards, Committees and Commissions law [1 O.C. 105.7-4]. The School Board included behavioral expectations that if not followed may result in a petition for removal [1 O.C. 104] or a recommendation by majority vote of the School Board for the OBC to consider terminating the member from the School Board [Proposed Bylaws 4-1(i)] and [1 O.C. 105.6-2(c)]. 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 [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

Analysis to Proposed Draft

2019 10 02

HANDOUT

- 2 A. The School Board bylaws were added to the active files list on October 3, 2018, with David P. Jordan  
 3 as the sponsor. The School Board does not currently operate under bylaws approved by the OBC.  
 4 B. The Oneida Education Board was created by the General Tribal Council by Resolution GTC-01-29-77-  
 5 A. The Oneida Education Board was dissolved by the creation of the Oneida Nation School Board  
 6 (School Board) by Resolution GTC-01-07-84-A. The School Board was expanded to nine (9) members  
 7 by Resolution GTC-03-21-88-B. For reference; the following chart contains area school district school  
 8 board membership:

Area School District School Board Membership	
Seymour Board of Education	7 members
De Pere School Board	7 members
Ashwaubenon School Board	6 members
Green Bay Board of Education	7 members

- 9  
 10 C. The School Board is currently governed by an MOA with the OBC which was ratified by GTC  
 11 resolution on 03-21-88.  
 12 a) The MOA between the OBC and the School Board was directed and ratified by GTC resolution  
 13 to grant the School Board the authority to operate with autonomous administration and provide  
 14 for full involvement of the School Board in all personnel matters related to the operation of the  
 15 ONSS. Any changes to the MOA require a two-thirds (2/3) vote by GTC.  
 16 D. The School Board was granted administrative rulemaking authority under resolution BC-02-27-19-B  
 17 titled "Creation of the Oneida Nation School System Endowment". Administrative rules must be  
 18 developed following the Administrative Rulemaking law [1 O.C. 106].  
 19 E. The School Board does not currently operate under bylaws approved by the OBC.  
 20

### 21 SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- 22 A. The bylaws comply with the Boards, Committees and Commissions law.  
 23 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled "Amending Resolution BC-09-26-18-  
 24 D Boards, Committees and Commissions Law Stipends" which details the types, specific dollar  
 25 amounts and eligibility requirements of stipends.  
 26 C. The proposed bylaws comply with OBC Resolution BC-03-27-19-D titled "Oneida Business  
 27 Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact".  
 28 D. The proposed bylaws comply with the MOA ratified by GTC resolution on 03-21-88.  
 29

### 30 SECTION 4. CONTENTS OF THE BYLAWS

31 The School Board does not currently have bylaws approved by the OBC. This section will detail the  
 32 contents of the proposed School Board bylaws.

#### 33 A. ARTICLE I. AUTHORITY

- 34 a. Purpose, Powers and Duties. The purpose, powers and duties of the School Board were  
 35 included in the authority section [Proposed Bylaws 1-3(a)] in accordance with the Boards,  
 36 Committees and Commissions law [1 O.C. 105.10-3(a)].  
 37 b. Membership. The School Board is comprised of nine (9) elected members in accordance  
 38 with resolution GTC-03-21-88-B. Members will stay on the School Board until their term  
 39 expires, they resign, or they are terminated or removed from office. A member whose term  
 40 has expired may stay on the School Board until his or her successor is sworn in by the OBC  
 41 [Proposed Bylaws 1-5], which is optional under the Boards, Committees and Commissions  
 42 law [1 O.C. 105.6-2(a)(1)].  
 43 • Resignations are accepted in accordance with the Boards, Committees and  
 44 Commissions law [1 O.C. 105.10-3(a)(5)]:  
 45 i. Verbally and accepted by motion at a meeting; or  
 46

- 47                               ii. By delivering a written resignation to the Business Committee Support  
48                               Office (BCSO) and the School Board's Chairperson or Chairperson's  
49                               designee [*Proposed Bylaws 1-5(b)(1)(B)*].
- 50                               • Vacancies. Expired terms are filled by the Nation's election process [*1 O.C. 102*].  
51                               Unexpired terms are filled by appointment by the OBC [*1 O.C. 105.7*]. The  
52                               Chairperson of the School Board will be required to provide the OBC with  
53                               recommendations on all applicants for appointment [*Proposed Bylaws 1-5(c)*]  
54                               which is optional under the Boards, Committees and Commissions law [*1 O.C.*  
55                               *105. 7-1(b)(1)*].
- 56                               • Qualifications. Members must be at least eighteen (18) years old, enrolled  
57                               members of the Oneida Nation, four (4) of the nine (9) members must be  
58                               parents/guardians of a student attending the ONSS and must have passed an  
59                               Annual Caregiver Background Check [*Proposed Bylaws 1-5(d)*]. The inclusion  
60                               of qualifications of membership are a requirement of the bylaws per the Boards,  
61                               Committees and Commissions law [*1 O.C. 105.10-3(a)(5)(D)*].
- 62       c. Termination and Removal.
- 63                               i. The Removal Law will be followed for removal of elected members [*1 O.C. 104*]  
64                               and the Boards, Committees and Commissions law will be followed for  
65                               termination of appointed members [*1 O.C. 105.6-2(c)*]; following the process in  
66                               4-1(i) of the proposed bylaws.
- 67                               ii. A removal petition or a recommendation for termination of appointment must be  
68                               by a majority vote of the School Board members in attendance at a regular or  
69                               emergency meeting with an established quorum [*Proposed Bylaws 1-6(c)*].
- 70       d. Trainings and Conferences. Required trainings and conferences are included in this section  
71                               in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(a)(7)*]  
72                               with the added requirement that School Board members are eligible for no more than five  
73                               (5) stipends for full days of mandatory training per year [*Proposed Bylaws 1-7*].

## 74

## 75 B. ARTICLE II. OFFICERS

- 76       a. This section details the duties and limitations of officer positions on the School Board in  
77                               accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)*].
- 78       b. Chairperson. The duties of the Chairperson include:
- 79                               • call and preside over all meetings and hearings, represent the School Board and  
80                               the ONSS at official functions, ensure the School Board remains in compliance  
81                               with the all requirements of the Nation and ONSS, be an ex-officio member of any  
82                               committee established by the School Board [*Proposed Bylaws 2-2(a) through (d)*];
- 83                               • carry out all responsibilities assigned to the School Board by the Nation's  
84                               Constitution and the MOA with the OBC ratified by GTC resolution [*Proposed*  
85                               *Bylaws 2-2(e)*]; and
- 86                               i. The Constitution does not grant the School Board specific responsibilities;  
87                               rather, it grants the GTC (transferred to the OBC) the power to create  
88                               boards, committees and commissions to fulfill the work of the Nation  
89                               [*Oneida Nation Constitution, Article IV(g)*].
- 90                               • submit or designate the submittal of annual and semi-annual reports to the GTC  
91                               and quarterly reports to the OBC and attend or designate a School Board member  
92                               to attend OBC meetings when the School Board's report is on the agenda  
93                               [*Proposed Bylaws 2-2(f) and (g)*] in accordance with the Boards, Committees and  
94                               Commissions law [*1 O.C. 105.12-3*].
- 95       c. Vice-Chairperson. The duties of the Vice-Chairperson include:

- 96                   • act in replacement of the Chairperson if they are not available, chair ad-hoc  
 97                   committees of the School Board, carry out all duties assigned to the School Board  
 98                   [*Proposed Bylaws 2-3*].
- 99       d. Secretary. The duties of the Secretary include:
- 100                   • act in the absence of the Chairperson and Vice-Chairperson in carrying out all  
 101                   powers and duties [*Proposed Bylaws 2-4(a)*];
- 102                   i. with respect to presiding over meetings of the Board, the Secretary's  
 103                   authority is limited to the following: if the Chairperson and the Vice-  
 104                   Chairperson positions both become vacant at the same time, the School  
 105                   Board Secretary shall be allowed to call meetings of the School Board to  
 106                   fill vacancies and to preside over meetings to conduct an election after  
 107                   which the newly elected Chairperson or Vice-Chairperson shall preside  
 108                   [*Proposed Bylaws 2-4(a)(1)(A)*]. In this case the Secretary may also be  
 109                   included to meet the quorum requirement [*Proposed Bylaws 3-4*];
- 110                   • establish the agenda and provide notice of all meeting locations, agenda,  
 111                   documents and minutes to all members of the School Board and the public and  
 112                   maintain the accurate recording and presenting of all School Board minutes and  
 113                   other formal documents in compliance with the Boards, Committees and  
 114                   Commissions law [*1 O.C. 105*] and the Open Records and Open Meetings law [*1*  
 115                   *O.C. 107*] [*Proposed Bylaws 2-4(b) and (c)*]; and
- 116                   • ensure timely reporting of all School Board actions and carry out all general duties  
 117                   and powers assigned or delegated to the Board [*Proposed Bylaws 2-4(d) and (e)*].
- 118       e. Selection of Officers. Officers will be elected by a majority vote of the School Board  
 119       members in attendance at the first meeting with an established quorum following an  
 120       election. There is no limit to the number of terms an officer can be reelected. Officers can  
 121       only hold one officer position at a time. If an Officer cannot fulfill the obligations of the  
 122       position, the School Board can, by majority vote of the members at an established meeting,  
 123       dismiss the Officer from their position and elect a new Officer [*Proposed Bylaws 2-5*].  
 124       This section fulfills requirements established by the Boards, Committees and Commissions  
 125       law [*1 O.C. 105.10-3(b)(5)*].
- 126       f. Budgetary Sign-Off Authority and Travel. The budgetary sign-off authority will be  
 127       consistent with the Purchasing Policies and Procedures of the Nation per the MOA with  
 128       the OBC [*Proposed Bylaws 2-6(a)*]. All School Board Officers have sign-off authority  
 129       reserved for Divisional Directors/ Tribal School Chairperson/ Trust Committee  
 130       Chairperson/ and Gaming Director. The BCSO will have sign-off authority for requests  
 131       for stipends, travel per diem and business expense reimbursement. Two (2) Officers will  
 132       be required to sign-off on all other budgetary requests according to the following criteria  
 133       [*Proposed Bylaws 2-6(a)(1)*]:
- 134                   • Budgeted items with three bids for items between \$10,000 and \$50,000;  
 135                   unbudgeted items between \$5,000 and \$10,000; and budgeted but sole sources  
 136                   items between \$5,000 and \$10,000 [*Oneida Tribe of Indians Purchasing Policies*  
 137                   *and Procedures, p. 216*].
- 138       Travel on behalf of the School Board will require approval by a majority vote of the  
 139       members at a regular or emergency meeting with an established quorum [*Proposed Bylaws*  
 140       *2-6(b)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-*  
 141       *3(b)(6)(B)*]. All travel must be authorized by two (2) Officers of the School Board in  
 142       accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. School Board members  
 143       may travel in the Nation's vehicles when certified and must follow the Vehicle Driver  
 144       Certification and Fleet Management law [*2 O.C. 210*]. This section fulfills requirements  
 145       established by the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].

- g. Personnel. From the date the proposed bylaws are adopted by the OBC moving forward, the School Board will not have authority to hire personnel for the benefit of the School Board [*Proposed Bylaws 2-7*].

- This provision applies to future hiring authority and does not affect current personnel who will keep their positions.

The School Board will have authority to be involved in the hiring of personnel for the ONSS in accordance with the MOA and the Personnel Policies and Procedures of the Nation [*Proposed Bylaws 2-7(a)*]. The School Board has the authority to hire consultants and other resource persons to carry out the purposes and goals of the ONSS [*Proposed Bylaws 2-7(b)*]. The School Board has authority to hire legal counsel in accordance with the laws of the Nation [*Proposed Bylaws 2-7(c)*]. This section fulfills requirements established by the Boards, Committees and Commissions law [*1 O. C. 105.10-3(b)(7)*].

### C. ARTICLE III. MEETINGS

- a. Regular Meetings. Regular meetings are held monthly at 500 p.m on the first Monday of each month at the Onida Nation Elementary School [*Proposed Bylaws 3-1*].

- The School Board Secretary will create the agenda and items will be required to be submitted to the Secretary or the Secretary's designee at least ten (10) days prior to the next regular meeting. Action items will be included in the School Superintendent's report. The Secretary will establish and distribute the agenda and documentation to School Board members at least seven (7) days before a regular meeting date by official email [*Proposed Bylaws 3-1(b) to (d)*]. This section fulfills requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(1)*].

- b. Emergency Meetings. Emergency meetings are called when an issue cannot wait for the next regular meeting. School Board members or school system administration will contact the Chairperson or the Vice-Chairperson of the School Board and request an emergency meeting. All School Board members will receive notice by official email and telephone call at least twenty-four (24) hours in advance including the basis of the emergency. If matters are discussed that are not on the agenda no formal action will be taken. Meetings will be noticed to include both written notice by mail and Official email if a regular meeting and Official email and telephone call if deemed an emergency meeting, the school newsletter and the Kalihwisaks [*Proposed Bylaws 3-2(a)(1)*].

- The School Board is authorized to hold meetings with parents to fulfill contractual obligations which may be called as an emergency meeting [*Proposed Bylaws 3-2(a)(1)*].
- A provision was included per the Boards, Committees and Commissions law that the School Board 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(d)*] and [*1 O.C. 105.10-3(c)(2)(A)*].



- a. 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 "Oncida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact".

The agenda will be agreed upon by the School Board Chairperson upon the School Board 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 School Board, 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 School Board;

The Chairperson of the School Board 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.

- b. Quorum. A quorum will consist of a majority of current members including the Chairperson, Vice-Chairperson or Secretary if presiding over the meeting in accordance with section 2-4(a)(1)(A) [*Proposed Bylaws 3-4*]. This complies with the requirements established in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(4)*].
- c. Order of Business. The order of business is included [*Proposed Bylaws 3-5*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(5)*].
- d. Voting. Voting requirements are contained in the proposed bylaws [*Proposed Bylaws 3-6*]. Decisions require a majority vote of members in attendance at a regular or emergency meeting with an established quorum. All members of the School Board have one equal vote except the presiding Officer of the meeting who will only vote in the case of a tie. All members are required to vote or abstain. This section fulfills requirements established by the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(6)*].
- E-polls were included as an acceptable form of voting and will be conducted by the Chairperson or Vice-Chairperson or Secretary in lieu of and as appointed by the Chairperson [*Proposed Bylaws 3-6(b)*] and in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(6)(C) and (D)*] and [*1 O.C. 105.11*].

#### F. ARTICLE IV. EXPECTATIONS

This section is based on the requirements established in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)*].

- a. The School Board is required to act in accordance with the principles of conduct established in Article IV. 41 of the proposed School Board bylaws.
- a. A term for un-excused absence is included in all bylaws amendments and is defined as a failure to notify a School Board Officer, in writing, of his or her pending absence no less than thirty (30) minutes before the scheduled meeting that he or she will be absent from [*Proposed Bylaws 4-1(h)(1)(A)*].

- Enforcement of violations of the bylaws or any other law, policy and/or resolutions of the Nation may be subject to *[Proposed Bylaws 4-1(i)]*:
  - a. Disciplinary action in accordance with any laws or policies of the Nation governing sanction or penalties of elected or appointed officials;
  - b. Recommendation by the School Board for termination of appointment by the OBC *[1 O.C. 105.6-2(c)]*;
  - c. The Chairperson is responsible for filing a petition for removal at the direction of the School Board in accordance with the Removal Law *[1 O.C. 104]*; and
  - d. Enforcement must be by a majority vote of the School Board in attendance at a meeting with an established quorum *[Proposed Bylaws 4-1(i)(4)]*.
  - e. This section complies with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(1)]*
- b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional or bodily harm or damage to property are prohibited by a member of the School Board *[Proposed Bylaws 4-2]* in compliance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(2)]*.
- c. Drug and alcohol use by a School Board member when acting in an official capacity is forbidden *[Proposed Bylaws 4-3]* in compliance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(3)]*.
- d. The School Board must comply with the Social Media Policy and their Oath of Office when using social media in relation to School Board activities *[Proposed Bylaws 4-4]* and *[2 O.C. 218]* in compliance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(4)]*.
- e. The bylaws require the School Board to abide by all laws of the Nation related to conflicts of interest *[Proposed Bylaws 4-5]* including the Nation's Conflict of Interest law *[2 O.C. 217]* and the Boards, Committees and Commissions law *[1 O.C. 105.10-3(d)(5) and 105.15]* which requires disclosure of conflicts of interest annually. Additionally, School Board members are expected to decline comment and to abstain from voting when issues related to immediate family members come before the School Board *[Proposed Bylaws 4-1(c)]*.
  - The Conflict of Interest law defines immediate family member as 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)]*.

#### G. ARTICLE V. STIPENDS AND COMPENSATION

This section of the bylaws details stipends, compensation and corresponding requirements in accordance with the Boards, Committees and Commissions law *[1 O.C. 105.10-3(e)]*.

- a. The list of stipends and corresponding eligibility requirements that members of the School Board are entitled to receive are included in the bylaws *[Proposed Bylaws 5-1]*. Additionally; to receive a stipend for attending any events described in this section; School Board members must obtain formal approval from the OBC and the School Board prior to attendance *[Proposed Bylaws 5-1(g)]*. This section complies with Resolution BC-05-08-19-B titled "Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends" and the Boards, Committees and Commissions law:
  - A full day of training is required to be eligible for a stipend *[1 O.C. 105.13-8(a)]*;
  - Only trainings and conferences required by law, bylaws or resolution are eligible to receive a stipend *[1 O.C. 105.13-8(b)]*;



- b. Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law [1 O.C. 105.13-9]; School Board members are not eligible for any other compensation for duties performed on behalf of the School Board [Proposed Bylaws 5-2].

#### H. ARTICLE VI. RECORDS AND REPORTING

- a) Agenda items will be maintained in a consistent format provided by the BCSO and approved by the School Board [Proposed Bylaws 6-1]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(1)].
- b) Minutes will be typed in a consistent format provided by the BCSO and approved by the School Board. Minutes will include a summary of action taken by the School Board and will be submitted to the BCSO within five (5) business days after approved by the School Board [Proposed Bylaws 6-2]. This meets the requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-(f)(2)].
- c) Attachments will be maintained with the meeting material from the corresponding meeting of the School Board [Proposed Bylaws 6-3] in accordance with the Open Records and Open Meetings law which requires records to be maintained for seven (7) years [1 O.C. 107.9-4]. This meets requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(3)].
- d) The School Board will regularly communicate with the OBC liaison as mutually agreed upon [Proposed Bylaws 6-4] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(4)].
- e) All meetings will be audio recorded by the BCSO or as designated by the Officer presiding over the meeting using the device supplied by the BCSO. The BCSO will maintain the audio recordings. Executive session is not required to be audio recorded [Proposed Bylaws 6-5]. This complies with requirements established by 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].

#### I. ARTICLE VII. AMENDMENTS

- a) Amendments will comply with the Boards, Committees and Commissions law and any other policy of the Nation, are effective upon approval of the School Board and the OBC [1 O.C. 105.10-3(g)], and the bylaws will be reviewed as needed and no less than annually [Proposed Bylaws 7-1].

### SECTION 5. RELATED LEGISLATION

There are no conflicts between the proposed bylaws and the Oneida Code of Laws. Below is a detailed list of laws that establish requirements and are referenced in the School Board 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(g)]. The School Board will carry out duties assigned by the OBC and GTC in accordance with the Constitution [Proposed Bylaws 2-2(e)]. There are no conflicts between these bylaws and the Oneida Nation Constitution.
- B. Administrative Rulemaking [1 O.C. 106]. This law governs the Administrative Rulemaking process for the adoption and amendment of administrative rules by authorized agencies of the Nation. Administrative rules developed under this law have the same force and effect as the law that delegated the authority to the authorized agency.
- a. The School Board is considered an authorized agency and also an entity under this law.
- i. The School Board is required to follow the administrative rulemaking procedures contained in this law for the promulgation of all rules when delegated rulemaking

- 317 authority to act as an authorized agency. Rulemaking authority must be delegated  
318 by a law of the Nation to implement, interpret and/ or enforce a law of the Nation.  
319 ii. When acting as an entity under this law, the School Board shall prepare all  
320 financial analyses upon request indicating financial effects of a proposed  
321 administrative rule promulgated by an authorized entity of the Nation in  
322 compliance with this law.
- 323 b. The School Board has been delegated administrative rulemaking authority as an authorized  
324 agency under the following laws of the Nation:  
325 i. Endowments *[1 O.C. 131]* according to resolution BC-02-27-19-B “Creation of  
326 the Onéida Nation School System Endowment”.
- 327
- 328 C. Endowments *[1 O.C. 131]*. The Endowments law was established to provide a process for the  
329 establishment and maintenance of all endowment fund accounts established by the Onéida Nation  
330 *[1 O.C. 131-1]*. The law grants administrative rulemaking authority *[1 O.C. 106]* by resolution  
331 *[1 O.C. 131.11-1]*. The School Board was granted administrative rulemaking authority by  
332 resolution BC-02-27-19-B “Creation of the Onéida Nation School System Endowment” which  
333 requires the School Board to submit a three-year planning resolution to the Treasurer and Chief  
334 Financial Officer and submit a funding allocation notice which will identify how the funds will be  
335 utilized by January 31st of each year. The proposed bylaws comply and there are no conflicts with  
336 the Endowments law.
- 337
- 338 D. Boards, Committees and Commissions *[1 O.C. 105]*. This law governs the procedures regarding  
339 the appointment and election of persons to boards, committees and commissions of the Nation,  
340 including the creation of bylaws, maintenance of official records, compensation, and other items  
341 related to boards, committees and commissions. The School Board is elected by the General Tribal  
342 Council *[Proposed Bylaws 1-5(b)]*. The requirements for entity bylaws are contained in this law  
343 as well as a requirement that all existing entities of the Nation comply with the format detailed in  
344 the law and present the bylaws for adoption by the OBC within a reasonable timeframe *[1 O.C.*  
345 *105.10]*. These proposed bylaws comply and there are no conflicts with the Boards, Committees  
346 and Commissions law.
- 347
- 348 E. Election *[1 O.C. 102]*. The Election law governs the procedures for the conduct of orderly elections  
349 of the Nation, including pre-election activities such as caucuses and nominations *[1 O.C. 102.1-1]*.  
350 The law governs all procedures used in the election process *[1 O.C. 102.1-2]*. The School Board  
351 is elected by the General Tribal Council *[Proposed Bylaws 1-5(b)]*. The proposed bylaws comply  
352 with and there are no conflicts with the Election law.
- 353
- 354 F. Removal Law *[1 O.C. 104]*. This law governs the removal process related to School Board  
355 members that are elected by the qualified voting membership of the Nation. This law contains due  
356 process measures related to specific causes for removal, petition requirements, preliminary review  
357 by the Judiciary, a hearing that includes potential witnesses and a burden of proof by a person  
358 seeking the removal by clear and convincing evidence that ground(s) for removal exist and a  
359 Special GTC Meeting that requires a 2/3 affirmative majority vote. Elected School Board members  
360 may be subject to removal if the bylaws or any law, policy, rule or resolution of the Nation is  
361 violated *[Proposed Bylaws 4-1(i)(3)]*. This aligns with the Boards, Committees and Commissions  
362 law *[1 O.C. 105.10-3(d)]*. The proposed bylaws comply and there are no conflicts with the  
363 Removal Law.
- 364
- 365 G. Social Media Policy *[2 O.C. 218]*. This policy regulates social media accounts including how  
366 content is managed and who has authority to post on social media on behalf of the Nation. The  
367 School Board 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 Resource Ordinance [2 O.C. 215] 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 School Board must follow the Social media policy and their Oath of Office with respect to social media use related to the School Board [Proposed Bylaws 4-4]. The proposed bylaws comply and there are no conflicts with the Social Media Policy.

H. Computer Resources Ordinance [2 O.C. 215]. School Board members are considered users under this law which regulates and ensures appropriate the use of the Nation's computer resources. Members of the School 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.

I. Travel and Expense Policy [2 O.C. 219]. Members of the School Board are eligible to be reimbursed for travel and per diem to attend a conference or training in accordance with this policy. The BCSO has sign-off authority over requests for stipends, travel per diem and business expense reimbursement [Proposed Bylaws 2-6(a)(1)(A)]. All travel must be signed off by two (2) Officers [Proposed Bylaws 2-6(a)(1)] in accordance with the Travel and Expense Policy [2 O.C. 219.4-2]. The School Board will approve all School Board travel by majority vote [Proposed Bylaws 2-6(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.

J. Conflict of Interest [2 O.C. 217]. This law applies to the School 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 bylaws require members to disclose potential or real conflicts annually [1 O.C. 105.10-3(d)(5) and 105.15]. The School Board bylaws require the School Board to follow all Conflict of Interest laws of the Nation [Proposed Bylaws 4-5]. Additionally; School Board members must decline to comment and abstain from voting on issues when nepotism as defined by the Nation's Conflict of Interest law may be a factor [Proposed Bylaws 4-1(c)]. 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 with the Conflict of Interest law.

K. 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 bylaws delegate the maintenance of the records to the School Board Secretary and dictates that attachments will be included with the agenda and meeting minutes for maintenance [Proposed Bylaws 2-4(c) and 6-3]. The School 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 [Proposed Bylaws 3-1(a)]. Meeting packets and backup materials are available to all School Board members and the public [Proposed Bylaws 3-1(d)] and in accordance with this law which states that any requestor has the right to make or receive a copy of a public record [1 O.C. 107.7-2]. Meeting minutes, agenda materials and audio recordings will be maintained by the BCSO [Proposed Bylaws 6-2

Analysis to Proposed Draft

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and 6-3 and 6-5(b)]. The proposed bylaws comply and there are no conflicts with the Open Records and Open Meetings law.

- L. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The School Board is considered an entity [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 School Board members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires School Board members (officials) to have written consent from the School Board 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, School Board members must abide by all reporting requirements in this law [2 O.C. 210.9-2]. The proposed bylaws comply and there are no conflicts with the Vehicle Driver Certification and Fleet Management law.
- a. School Board 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 Business Committee Agenda Request**

Approve the Oneida Land Commission bylaws amendments

**1. Meeting Date Requested:** 10 / 9 / 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.

Proposed Draft

**ONEIDA LAND COMMISSION BYLAWS****Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Land Commission, hereinafter referred to as the “Commission.”

1-2. *Establishment.* The Commission, originally named the Land Committee, was established by the Oneida General Tribal Council on February 28, 1941, through adoption of Ordinance No. 1 - Lands, and reestablished as the Oneida Land Commission within the Real Property law that was adopted by the Oneida Business Committee through resolution BC-5-29-96-A and amended from time-to-time thereafter.

1-3. *Authority.* The Commission was established for the purpose of managing the Nation’s land resources, with authority to carry out the all powers and duties as delegated under the following laws of the Nation:

- (a) The Real Property law;
- (b) The Leasing law;
- (c) The Building Code;
- (d) The Condominium Ordinance;
- (e) The Zoning and Shoreland Protection law;
- (f) The Eviction and Termination law;
- (g) The Landlord-Tenant law;
- (h) The Mortgage and Foreclosure law;
- (i) The Cemetery Law; and
- (j) All any other delegating law, policy, rule and/or resolution of the Nation.

1-4. *Office.* The official mailing address of the Commission shall be:  
Oneida Land Commission  
P.O. Box 365  
Oneida, Wisconsin 54155

1-5. *Membership.*

(a) *Number of Members.* The Commission shall consist of seven (7) Commissioners.

(b) *Elected.* Commissioners shall be elected in accordance with the Nation’s election laws and/or policies for three (3) year staggered terms with expiring positions elected every year.

(1) Commissioners shall hold office until their term expires, they resign, or they are removed/terminated from office.

(A) Although a Commissioner’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.



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- 41 (B) A Commissioner may resign at any time verbally at a  
42 meeting or by delivering written notice to the Oneida  
43 Business Committee Support Office and the Commission  
44 Chairperson or Chairperson's designee.  
45 (i) The resignation is deemed effective upon acceptance  
46 by Commission motion of a Commissioner's verbal  
47 resignation or upon delivery of the written notices.
- 48 (c) *Vacancies.* Vacancies on the Commission shall be filled as follows:  
49 (1) *Expired Terms.* Vacancies caused by the expiration of a  
50 Commissioner's term shall be filled by election in accordance with  
51 the laws and/or policies of the Nation governing elections.  
52 (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by  
53 appointment by the Oneida Business Committee pursuant to the  
54 Boards, Committees and Commissions law for the remainder of the  
55 unexpired term.  
56 (A) The Chairperson of the Commission may provide the Oneida  
57 Business Committee recommendations on applications for  
58 appointment by the executive session in which the  
59 appointment is intended to be made.
- 60 (d) *Qualifications of Commissioners.* To qualify for membership on the  
61 Commission, a person shall:  
62 (1) Be a member of the Oneida Tribe;  
63 (2) Be a resident of Brown or Outagamie County;  
64 (3) Be at least eighteen (18) years of age or older; and  
65 (4) Not be employed within the Nation's Audit Department, Finance  
66 Department or Law Office; as a Division Director or Area Manager  
67 for the Nation; or as an independent contractor for Land  
68 Management.
- 69
- 70 1-6. *Termination or Removal.* A Commissioner found to be in violation of these bylaws, or any  
71 other governing laws of the Nation, may be subject to the following:  
72 (a) If the Commissioner was elected, the Commission's filing of a petition for  
73 his or her removal pursuant to the Removal law and/or any other law of the  
74 Nation governing the removal of elected officials.  
75 (b) If the Commissioner was appointed, the Commission's recommendation to  
76 the Oneida Business Committee for the termination of his or her  
77 appointment pursuant to the Boards, Committees and Commissions law and  
78 /or any other law of the Nation governing the termination of appointed  
79 officials.  
80 (c) The filing of a petition for removal or submission of a recommendation for  
81 termination shall be decided by a majority vote of the Commissioners in  
82 attendance at a Commission meeting of an established quorum.



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- 83  
84 1-7. *Trainings and Conferences.* Each Commissioner shall attend, on an annual basis,  
85 mandatory trainings/conferences on topics such as: land management; real  
86 property; zoning; federal, state and/or Tribal real estate/property laws; land  
87 use, development and acquisition; and Robert's Rules of Order.  
88 (a) Regardless of the number of trainings/conferences that he or she is required  
89 to attend, no Commissioner shall be eligible to receive stipends for  
90 attending more than five (5) full days of mandatory trainings/conferences  
91 per year.  
92

## 93 **Article II. Officers**

- 94 2-1. *Officers.* The Officers of the Commission shall consist of a Chairperson, a Vice-  
95 Chairperson and a Secretary.  
96

- 97 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the  
98 Chairperson shall be as follows:  
99 (a) To call and preside over all meetings of the Commission and provide notice  
100 of emergency meetings in accordance with these bylaws and the Nation's  
101 Open Records and Open Meetings law;  
102 (b) To, personally or through a designee, submit quarterly reports to the Oneida  
103 Business Committee and annual/semi-annual reports to the Oneida General  
104 Tribal Council in accordance with the Boards, Committees and  
105 Commissions law; and  
106 (c) To attend, or designate a Commissioner to attend, the Oneida Business  
107 Committee meeting where the Commission's quarterly report appears on  
108 the agenda.  
109

- 110 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the  
111 Vice-Chairperson shall be as follows:  
112 (a) To preside over all meetings in the absence of the Chairperson.  
113

- 114 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
115 Secretary shall be as follows:  
116 (a) To be responsible for keeping/taking the official minutes of all Commission  
117 meetings, audio recording all meetings, submitting copies of the minutes to  
118 the Oneida Business Committee Support Office in accordance with the  
119 Boards, Committees and Commissions law; and making minutes available  
120 to all Commissioners, as well as the public, per the requirements of these  
121 bylaws and the Nation's Open Records and Open Meetings law; and  
122 (b) In the event that both the Chairperson and Vice-Chairperson positions  
123 become vacant before the end of their terms, to call meetings of the  
124 Commission to fill the vacancies and to preside over those meetings for the

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sole purpose of selecting new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

2-5. *Selection of Officers.* The Commission shall select its Officers by majority vote at the first regular meeting of an established quorum following the newly elected Commissioners being sworn in.

(a) Officers shall serve one (1) year terms and shall only hold one (1) Officer position per Officer term.

(1) If a vacancy occurs in an Officer position, the Commission shall make a replacement appointment at the first regular meeting following the vacancy, to serve the remainder of the vacated Officer's term.

(b) Commissioners may be dismissed from their Officer positions by majority vote of the Commissioners in attendance at a meeting of an established quorum.

2-6. *Subcommittees.* Subcommittees of the Commission may be created and dissolved by the Commission as it deems necessary so long as in accordance with the Boards, Committees and Commissions law.

(a) Members of a subcommittee created by the Commission 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 Commission shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the Commission 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 Officers of the Commission have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:

(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The Commission shall approve a Commissioner's request to travel on its behalf by a majority vote of the Commissioners in attendance at a regular or emergency meeting of an established quorum.

2-8. *Personnel.* The Oneida Land Commission does not have authority to hire personnel for the benefit of the entity.

167  
168 **Article III. Meetings**

169 3-1. *Regular Meetings.* The Commission shall meet the second and fourth Monday of every  
170 month, commencing at 5:00 p.m., in the Little Bear Conference Room  
171 located at N7332 Water Circle Place in Oneida, Wisconsin. The time and  
172 place for the meetings shall be established by the Commission.

173 (a) The second Monday of each month shall be devoted to leasing,  
174 departmental issues and concerns, and other comments and concerns  
175 pertaining to land issues. The fourth Monday of each month shall be devoted  
176 to the acquisition of land and consideration of purchase proposals and other  
177 comments and concerns pertaining to land issues.

178 (b) The Commission may change its regular meeting date, time and location  
179 from time-to-time as it determines necessary by majority vote of the  
180 Commissioners in attendance at a meeting of an established quorum so long  
181 as notice is given to all Commissioners in writing and, along with the public,  
182 in accordance with the Nation's Open Records and Open Meetings law,  
183 prior to the implementation of a new date, time and/or location.

184 (c) Notice of meeting location, agenda, minutes and materials shall be provided  
185 by the Oneida Business Committee Support Office to all Commissioner in  
186 writing and, along with the public, in accordance with the Nation's Open  
187 Records and Open Meetings law.

188 (d) Cancelled meeting process shall follow the Standard Operating Procedures  
189 established between the Land Commission and the appropriate  
190 administrative support.  
191

192 3-2. *Emergency Meetings.* An emergency meeting may be called when a timely decision related  
193 to any of the Commission's powers or duties is needed before the next  
194 regularly scheduled Commission meeting that if not made in a timely  
195 manner may be detrimental to the membership or the Nation.

196 (a) Emergency meetings may be called by the Chairperson or by three (3)  
197 Commissioners at any time.

198 (b) The Chairperson or Chairperson's designee shall provide at least twenty-  
199 four (24) hours advance notice of the emergency meeting to all  
200 Commissioners in writing and by telephone call, stating the specific purpose  
201 for the meeting, and, along with the public, shall further provide them with  
202 notice in accordance with the Open Records and Open Meetings law.

203 (c) Within seventy-two (72) hours of an emergency meeting, the Commission  
204 shall provide the Nation's Secretary with the notice of the emergency  
205 meeting, the reason for the emergency meeting, and an explanation as to  
206 why the matter could not wait until the next regular meeting.  
207

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- 208 3-3. *Joint Meetings.* Joint meetings between the Commission and the Oneida Business  
209 Committee shall be held as agreed upon between the parties at the Norbert  
210 Hill Center located in Oneida, Wisconsin.
- 211 (a) Notice of the joint meeting agendas, documents and minutes shall be  
212 provided, and the joint meetings conducted, in accordance with resolution  
213 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
214 the Boards, Committees and Commissions – Definitions and Impact, as may  
215 be amended from time-to-time hereafter.  
216
- 217 3-4. *Quorum.* A quorum is required to conduct business on behalf of the Commission and  
218 shall consist of no less than four (4) Commissioners, one (1) of which shall  
219 include the Chairperson, Vice-Chairperson or Secretary; provided, the  
220 Secretary is presiding over the meeting in accordance with section 2-4(b) of  
221 these bylaws.  
222
- 223 3-5. *Order of Business.* The order of business, so far as applicable, shall be:
- 224 (a) Call to order  
225 (b) Adoption of Agenda  
226 (c) Reading of Minutes  
227 (d) Old Business  
228 (e) New Business  
229 (f) Reports  
230 (g) Other Business  
231 (h) Executive Session  
232 (i) Adjournment  
233
- 234 3-6. *Voting.* Decisions shall be by majority vote of the Commissioners in attendance at  
235 a meeting of an established quorum, with each Commissioner having one  
236 (1) vote.
- 237 (a) The Chairperson or presiding Officer shall not vote except to resolve a tie.  
238 (b) E-polls may be conducted in accordance with the Boards, Committees and  
239 Commissions law so long as the item subject to the e-poll had previously  
240 been on a meeting agenda.
- 241 (1) The Vice-Chairperson, in the absence or discretion of the Chair-  
242 person, shall be responsible for conducting e-polls.  
243

#### 244 **Article IV. Expectations**

- 245 4-1. *Behavior of Commissioners.* Commissioners are expected to:

- 246 (a) Uphold the laws, regulations, policies of the Nation, and any memorandums  
247 of agreement between the Oneida Business Committee and the  
248 Commission;

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- 249 (b) Perform their duties to the best of their ability with honor, respect, dignity,  
250 and sincerity;
- 251 (c) Behave in a manner that promotes the highest ethical and moral standard  
252 and be knowledgeable about, and conform to the Code of Ethics;
- 253 (d) Maintain confidential information with the strictest confidentiality;
- 254 (e) Ensure that all decisions and recommendations are made in the best interest  
255 of the Oneida Nation as a whole; and
- 256 (f) Attend all regularly scheduled Commission meetings.
- 257 (1) Unless medically incapacitated, four (4) unexcused absences from  
258 regularly scheduled meetings of the Commission within a one (1)  
259 year period may be grounds for removal/termination or disciplinary  
260 action hereunder.
- 261 (A) An absence shall be deemed unexcused if a Commissioner  
262 fails to provide an Officer with written notice of his or her  
263 pending absence at least thirty (30) minutes prior the missed  
264 meeting.
- 265 (2) Failure to attend fifty percent (50%) of the Commission's regular  
266 scheduled meetings within a twelve (12) month period for any  
267 reason may be grounds for removal/termination or disciplinary  
268 action hereunder.
- 269 (g) *Enforcement.* Any Commissioner found to be in violation of this or any  
270 section of these bylaws may be subject to the following:
- 271 (1) Sanctions and penalties in accordance with any laws or policies of  
272 the Nation governing sanctions and/or penalties for officials.
- 273 (2) If the Commissioner was elected, the Commission's filing of a  
274 petition for his or her removal pursuant to the Removal law and/or  
275 any other laws or policies of the Nation governing the removal of  
276 elected officials.
- 277 (3) If the Commissioner was appointed, the Commission's  
278 recommendation to the Oneida Business Committee for termination  
279 of his or her appointment pursuant to the Boards, Committees and  
280 Commissions law and/or any other laws or policies of the Nation  
281 governing the termination of appointed officials.
- 282 (A) The filing of a petition for removal or recommendation for  
283 termination shall be decided by a majority vote of the  
284 Commissioners in attendance at a meeting of an established  
285 quorum.
- 286
- 287 4-2. *Prohibition of Violence.* Commissioners are strictly prohibited from committing  
288 intentionally violent acts that inflict, attempt to inflict, or threaten to inflict  
289 emotional or bodily harm on another person, or damage to personal  
290 property.

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- 291 4-3. *Drug and Alcohol Use.* The use of alcohol and illegal drugs by a Commissioner while  
292 performing official responsibilities on behalf of the Commission is strictly  
293 forbidden.  
294
- 295 4-4. *Social Media.* Commissioners shall adhere to the Oneida Nation's Social Media Policy  
296 and their oath of office when using social media while acting on behalf of  
297 or as a representative of the Commission.  
298
- 299 4-5. *Conflict of Interest.* Commissioners shall abide by all laws of the Nation governing  
300 conflicts of interest.  
301 (a) Commissioners shall be knowledgeable about and conform to the Conflict  
302 of Interest law.  
303

**Article V. Stipends and Compensation**

- 304 5-1. *Stipends.* Commissioners shall be eligible for the following stipends as set forth in  
305 and subject to these bylaws; the Boards, Committees and Commissions law;  
306 and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-  
307 D Boards, Committees and Commissions Law Stipends, as may be further  
308 amended from time-to-time hereafter:  
309
- 310 (a) Two (2) meeting stipends per month, provided that:  
311 (1) A quorum was established;  
312 (2) The meeting of the established quorum lasted for at least one (1)  
313 hour; and  
314 (3) The Commissioner collecting the stipend was physically present for  
315 the entire meeting.
- 316 (b) A stipend for attending a conference or training, provided that:  
317 (1) The Commissioner attended a full day of training or was present at  
318 the conference for a full day; and  
319 (2) The Commissioner's attendance at the conference or training was  
320 required by law, bylaws or resolution.
- 321 (c) A stipend for attending a Judiciary hearing so long as the attendance was  
322 required by official subpoena.
- 323 (d) A stipend for attending a duly called joint meeting between the Commission  
324 and the Oneida Business Committee, provided that:  
325 (1) A quorum was established by the Commission;  
326 (2) The joint meeting lasted for at least one (1) hour; and  
327 (3) The Commissioner collecting the stipend was physically present for  
328 the entire joint meeting.
- 329 (e) A stipend for attending an official hearing of the Commission.  
330 (1) Commissioners shall rotate their attendance at official hearings of  
331 the Commission that are mandated by the Nation's governing laws.

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- 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, Commissioners shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the Commission.

## **Article VI. Records and Reporting**

- 6-1. *Agenda Items.* Agenda items shall be maintained in a format developed by the Oneida Business Committee Support Office.

- (a) Each agenda item must include an agenda request form with all necessary documentation for that item.
- (b) Each agenda item must have a sponsor with the Oneida Business Committee Support Office serving as the default sponsor.
- (c) All internal agenda requests must be signed by the appropriate Division Director and have a representative present at the meeting.
- (d) Items to be on the agenda shall be provided at least twenty-four (24) hours before the meeting.
  - (1) Items provided less than twenty-four (24) hours before the meeting shall not be accepted, unless approved by a majority vote of the Commissioners in attendance at a meeting of an established quorum.
- (e) Executive Session items shall only be provided to the Commissioners and must be marked as confidential.
- (f) Revised agenda packets will be created and kept in a shared file. A revised agenda packet shall be created anytime there are additional items added to the agenda.

- 6-2. *Minutes.* Minutes shall be prepared in a format created by the Oneida Business Committee Support Office to generate the most informative record of the meeting.

- (a) Minutes shall contain, verbatim, the motions made during the meeting and a summary of the action taken at the meeting if needed to complete the record.
- (b) Meeting minutes may contain case numbers or redacted information when necessary to protect personal or other confidential matters in compliance with the Open Records and Open Meetings law.
- (c) Copies of the Commission's meeting minutes shall be provided to the Oneida Business Committee Support Office within thirty (30) days of the meeting.

- 6-3. *Attachments.* All handouts, reports, memorandum and the like shall be labeled appropriately; attached to the meeting minutes and agenda in which they were presented; and maintained in a shared file with the Oneida Business Committee Support Office.



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374  
375 6-4. *Oneida Business Committee Liaison.* The Commission shall regularly communicate with  
376 the member of the Oneida Business Committee who is its designated  
377 liaison.

- 378 (a) The frequency and method of communication shall be as agreed upon by  
379 the Commission and the liaison, but not less than that required in any law  
380 or policy on reporting developed by the Oneida Business Committee or the  
381 Oneida General Tribal Council.  
382

383 6-5. *Audio Recordings.* All open session portions of meetings shall be audio recorded by the  
384 Secretary or Secretary's designee with a device provided or approved by the  
385 Oneida Business Committee Support Office and sent to the Oneida Business  
386 Committee Support Office to maintain in accordance with the Nation's  
387 Open Records and Open Meetings law.

- 388 (a) *Exception.* Audio recordings of executive session portions of a Commission  
389 meeting shall not be recorded.  
390

## 391 **Article VII. Amendments**

392 7-1. *Amendments.* Upon written notice, the Commission may propose amendments to these  
393 bylaws for consideration at any regular meeting.

- 394 (a) The Commission may only adopt amendments revising, adding to or  
395 repealing any or all of the foregoing bylaws at a subsequent meeting.

396 (1) Any amendments to these bylaws shall conform to the requirements  
397 of the Boards, Committees and Commissions law and any other  
398 policy of the Nation.

399 (2) Such amendments shall thereafter be submitted for review by the  
400 Legislative Operating Committee and final approval by the Oneida  
401 Business Committee before implementation.

- 402 (b) The Commission shall review these bylaws at the first meeting following  
403 the election of Officers the Commission, but no less than on an annual basis.  
404  
405



## Oneida Land Commission Bylaws Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P.Jordan	DRAFTER: Kristen M. Hooker	ANALYST: Maureen Perkins
Complies with Boards, Committees and 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 [1 O.C. 105.10].		
Intent of the Bylaws	The Oneida Land Commission (OLC) bylaws provide a framework for the operation and management of OLC to govern the standard procedures regarding the way the commission conducts its affairs, including: the election and appointment of persons to OLC, 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 OLC was established to manage the Nation's land resources with authority to carry out all powers and duties as delegated under the laws of the Nation [Proposed Bylaws 1-3].		
Related Legislation	Oneida Nation Constitution, Land Ordinance NO. 1 – Lands, Real Property law, Leasing law, Building Code, Condominium Ordinance, Zoning and Shoreline Protection Ordinance, Administrative Procedures Act, Eviction and Termination law, Landlord-Tenant law, Mortgage and Foreclosure law, Boards, Committees and Commissions law, Election law, Removal Law, Code of Ethics law, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Removal from an elected position on OLC follows the Removal Law [1 O.C. 104] and termination from an appointed position on OLC follows the Boards, Committees and Commissions law [1 O.C. 105.7-4]. OLC included an enforcement mechanism that dictates that violation of the bylaws may result in sanctions and/or penalties, removal proceedings or termination of appointment [Proposed Bylaws 4-1(g)].		
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. OLC bylaws amendments were added to the Active Files List on September 6, 2017, with David P.  
3 Jordan as the sponsor.

- 4 B. By the authority of the General Tribal Council, the Land Commission was established February 28,  
5 1941, in section 3 of Ordinance No. 1, Lands. OLC is re-recognized and re-created under the Real  
6 Property Law [6 O.C. 601] with the adoption of Resolution BC-05-29-96-A and most currently  
7 amended by Resolution BC-05-09-18-A. The current bylaws were approved on December 10, 2008,  
8 by the OBC.  
9

### 10 SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- 11 A. The proposed bylaws comply with the Boards, Committees and Commissions law.  
12 B. The proposed bylaws comply with OBC Resolution BC-05-08-19-B titled "Amending Resolution BC-  
13 09-26-18-D Boards, Committees and Commissions Law Stipends" which details the types, specific  
14 dollar 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 previously adopted bylaws.

#### 20 A. ARTICLE I. AUTHORITY

- 21 a. The vacancy section was changed requiring an OLC member whose term has ended to  
22 remain in their position until their replacement is sworn in by the OBC [Proposed Bylaws  
23 1-5(b)(1)(A)] which is optional under the Boards, Committees and Commissions law [1  
24 O.C. 105.6-2(a)(1)].  
25 b. A provision was added giving the Chairperson the option to make recommendations on  
26 applications for appointment to fill vacancies on behalf of the OLC to the OBC prior to the  
27 executive session where the appointment is made [Proposed Bylaws 1-5(c)(2)(A)] which  
28 is optional under the Boards, Committees and Commissions law [1 O.C. 105.7-1(b)].  
29 c. The resignation process has changed in accordance with the Boards, Committees and  
30 Commissions law [1 O.C. 105.6-2(d)]. Resignations are now accepted:  
31
  - Verbally and accepted by motion at a meeting; or
  - By delivering a written resignation to the Business Committee Support Office  
32 (BCSO) and OLC Chairperson or Chairperson's designee [Proposed Bylaws  
33 1-5(b)(1)(B)].  
34 d. The following qualifications were changed in the bylaws [Proposed Bylaws 1-5(d)(4)]:  
35
  - The restriction that OLC members not be employed within the Nation's Audit  
36 Department, Finance Department or Law Office; as a Division Director or  
37 Area Manager for the Nation; or as an independent contractor for Land  
38 Management.
  - The restriction that OLC members not be employed by Land Management was  
39 removed [Current Bylaws 1-4(b)(3)].  
40 e. A process for submitting a recommendation to the OBC to consider terminating an  
41 appointment in accordance with the Boards, Committees and Commissions law was added  
42 to the bylaws for members who were appointed by the OBC [Proposed Bylaws 1-6(b)].  
43 f. A provision was added that the filing of a petition for removal or submission of a  
44 recommendation for termination of appointment for the OBC to consider must be decided  
45 by a majority vote of Commissioners in attendance at a Commission meeting of an  
46 established quorum [Proposed Bylaws 1-6(c)].  
47 g. A Trainings and Conferences section was added that details the types of trainings and  
48 conferences OLC members are required to attend. Regardless of required trainings or  
49 conferences, each member of the OLC will only receive a training stipend for up to five  
50 (5) full days of mandatory training per year [Proposed Bylaws 1-7].  
51  
52  
53

54 **B. ARTICLE II. OFFICERS**

- 55 a. The Chairperson, or OLC member designee, is now required to attend the OBC meeting  
56 when the OLC quarterly report is on the agenda [*Proposed Bylaws 2-2(c)*].
- 57 b. If the Chairperson and the Vice-Chairperson both become vacant before the end of their  
58 terms, the Secretary is now required to call meetings of the OLC and preside over those  
59 meetings until a Chairperson and Vice-Chairperson are selected after which point the  
60 Chairperson or Vice-Chairperson in the Chairperson's absence, shall preside [*Proposed*  
61 *Bylaws 2-4(b)*]. In this case the Secretary may create a quorum [*Proposed Bylaws 3-4*].
- 62 c. Subcommittees must follow the Boards, Committees and Commissions law and OLC  
63 members of subcommittees are not eligible for stipends unless a specific exception is made  
64 by the OBC or the General Tribal Council [*Proposed Bylaws 2-6*] in accordance with the  
65 Boards, Committees and Commissions law [*1 O.C. 105.13-10*].
- 66 d. The Budgetary and Sign-Off Authority and Travel section is new to these bylaws based on  
67 requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].
- 68 • OLC will use levels for budgetary sign-off authority that are as set forth in the  
69 Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures  
70 Manual for Area Directors/Enterprise Directors. The BCSO will have sign-off  
71 authority over requests for stipends, travel per diems and business expense  
72 reimbursement [*Proposed Bylaws 2-7(a)(1)(A)*]. All OLC Officers shall have  
73 sign-off authority and two (2) Officers must sign-off on budgetary requests  
74 [*Proposed Bylaws 2-7*].
  - 75 i. Although not applicable to the OLC; the OLC will follow the  
76 budgetary sign-off levels dictated by the Oneida Tribe of  
77 Indians of Wisconsin Purchasing Policies and Procedures  
78 Manual for Area Directors/Enterprise Directors, page 217  
79 which includes the following levels of sign-off authority:
    - 80 1. Budgeted items with three bids for items between  
81 \$3,000 and \$10,000.
    - 82 2. Unbudgeted items between \$1,000 and \$5,000.
    - 83 3. Budgeted but sole source items between \$1,000 and  
84 \$5,000.
  - 85 • All travel must be authorized by two (2) Officers in accordance with the Travel  
86 and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through  
87 majority vote of a quorum of OLC in attendance at a regular or emergency  
88 OLC meeting [*Proposed Bylaws 2-7(b)*] in accordance with the Boards,  
89 Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*].
- 90

91 **C. ARTICLE III. MEETINGS**

Meetings in Current Bylaws [Article III]	Meetings in Proposed Bylaws Amendments [Article III]
<u>Regular Meetings</u> <ul style="list-style-type: none"> <li>Regularly Scheduled – Once Monthly <ul style="list-style-type: none"> <li>Leasing, departmental issues and concerns, and other land issues</li> </ul> </li> </ul>	<u>Regular Meetings</u> <ul style="list-style-type: none"> <li>Regularly Scheduled – Twice Monthly <ul style="list-style-type: none"> <li>Second Monday of the month devoted to leasing, departmental issues and concerns and land issues.</li> <li>Fourth Monday of the month devoted to the acquisition of land and consideration of purchase proposals.</li> </ul> </li> </ul>
<u>Land Acquisition Meetings</u> <ul style="list-style-type: none"> <li>Once Monthly <ul style="list-style-type: none"> <li>Acquisition of land and consideration of purchasing proposals</li> </ul> </li> </ul>	
<u>Special Meetings</u> <ul style="list-style-type: none"> <li>Called by Chairperson or four (4) Commissioners with twenty-four (24) hour notice.</li> </ul>	<u>Special Meetings</u> <ul style="list-style-type: none"> <li>Removed.</li> </ul>
	<u>Emergency Meetings</u> <ul style="list-style-type: none"> <li>Added. Twenty-four (24) hour notice in writing by Official email and by telephone call.</li> <li>Called by Chairperson or three (3) Commissioners.</li> </ul>
	<u>Joint Meetings</u> <ul style="list-style-type: none"> <li>Added. As Needed Per Approval of OBC.</li> </ul>

- a. Special meetings were removed [*Current Bylaws 3-1(c)*].
- b. Emergency meetings were added with a requirement of twenty-four (24) hour advance notice in writing by Official email and by telephone communication [*Proposed Bylaws 3-2(b)*].
- c. A provision was added per the Boards, Committees and Commissions law that the OLC 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(c)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(2)(A)*].
- d. 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 OLC Chairperson upon OLC 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 OLC, 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 OLC;
- The Chairperson of the OLC 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.
- 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 discretion 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 expectations were added [Proposed Bylaws 4-1]. The definition for unexcused absence was changed and now requires written notice of an intended absence to an OLC Officer at least thirty (30) minutes prior to the start of the meeting [Proposed Bylaws 4-1(f)(1)(A)]. The current bylaws require a twenty-four (24) hour notice to an OLC Officer [Current Bylaws 5-4]. Enforcement of behavioral expectations includes recommendation by the OLC for termination of the member's appointment by the OBC and sanctions or penalties according to any applicable laws and policies of the Nation both of which requires a majority vote of the OLC in attendance at a meeting with an established quorum [Proposed Bylaws 4-1(g)] and [1 O.C. 105.10.3(d)(1)]. Intentional misuse of Tribal funds was removed as a cause for the filing of a removal petition [Current Bylaws 5-5(c)].
- b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional or bodily harm or damage to property are prohibited and violations could result in the OLC's recommendation to the OBC to terminate the member from the OLC or imposition of sanctions or penalties according to any applicable laws and policies of the Nation [Proposed Bylaws 4-2] [1 O.C. 105.10.3(d)(2)].
- c. OLC members are prohibited from the use of alcohol or illegal drugs while performing official responsibilities on behalf of the Commission [Proposed Bylaws 4-3] and [1 O.C. 105.10-3(d)(3)]. This is a change from the current bylaws which prohibit the use of illegal drugs at any time [Current Bylaws 5-5(d)].
- d. OLC members must follow the Nation's Social Media Policy and their Oath of Office when using social media on behalf of or as a representative of the Commission [Proposed Bylaws 4-4] and [1 O.C. 105.10-3(d)(4)].
- e. The OLC 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 of conflicts of interest annually and alleviation or mitigation of the conflict of interest [Proposed Bylaws 4-5] and [1 O.C. 105.10-3(d)(5)].

#### E. ARTICLE V. STIPENDS AND COMPENSATION

A new section was added to the bylaws that details stipend, compensation and corresponding requirements in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(e)].

- a. This section provides a list of eligible stipends and corresponding eligibility requirements that members of the OLC are eligible to receive [Proposed Bylaws 5-1]. Commissioners will rotate their attendance at official hearings of the Commission that are mandated by the laws of the Nation [Proposed Bylaws 5-1(e)(1)]. This section complies with Resolution BC-05-08-19-B titled "Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends" and the Boards, Committees and Commissions law:
  - A full day of training is required to be eligible for a stipend [1 O.C. 105.13-8(a)]; and
  - Only trainings and conferences required by law, bylaws or resolution are eligible to receive a stipend [1 O.C. 105.13-8(b)].Commissioners will rotate their attendance at official hearings of the Commission that are mandated by the Nation's laws [Proposed Bylaws 5-1(e)(1)].
- b. Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees law [1 O.C. 105.13-9]; no other compensation will be provided to the OLC members [Proposed Bylaws 5-2].

#### 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)] and this section details changes from the OLC's current bylaws.

- The OLC will use the agenda format developed by the BCSO [Proposed Bylaws 6-1]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(1)].
  - a. Each agenda item must have a sponsor with the BCSO serving as the default sponsor [Proposed Bylaws 6-1(b)].
  - b. All internal agenda requests must be signed by the appropriate Division Director and have a representative at the meeting [Proposed Bylaws 6-1(c)].
  - c. A revised packet will be created anytime there are additional items added to the agenda [Proposed Bylaws 6-1(f)].
- The OLC's minutes will contain verbatim motions made during the meeting, a summary of the action taken at the meeting and the OLC will submit minutes to the BCSO within thirty (30) 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)].
- 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].
- All attachments will be attached to and maintained with the meeting minutes and agenda and maintained in a shared file with the BCSO [Proposed Bylaws 6-3]. This meets requirements established by the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(3)].
- A requirement was added that the OLC Secretary or Secretary's designee will audio record all meetings with a device provided or approved by the BCSO and maintain all audio files in accordance with the Open Records and Open Meetings law. 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 in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(g)] and that the bylaws be reviewed as needed but no less than annually [Proposed Bylaws 7-1].

### 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 OLC 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 proposed bylaws comply and there are no conflicts with the Oneida Nation Constitution.
- B. Land Ordinance NO. 1 – Lands [Adopted by GTC Resolution 02-28-1941]. The Land Ordinance NO. 1 – Lands was adopted by GTC to govern the administration of Tribal lands, including the making, holding and revoking of land assignments. OLC was originally established as the Land Committee by the Land Ordinance NO. 1 – Lands to accept, investigate and recommend to the



OBC all applications for land assignments and to serve as an advisory capacity in matters relating to the tribal land program. The proposed bylaws comply and there are no conflicts with the Land Ordinance NO. 1– Lands law.

C. Administrative Rulemaking [1 O.C. 106]. This law governs the administrative rulemaking process for the adoption and amendment of administrative rules by authorized agencies of the Nation. Administrative rules developed under this law have the same force and effect as the law that delegated the authority to the authorized agency. The proposed bylaws comply and there are no conflicts with the Administrative Rulemaking law.

a. OLC is considered an authorized agency and an entity under this law.

i. OLC is required to follow the administrative rulemaking procedures contained in this law for the promulgation of all rules when delegated rulemaking authority to act as an authorized agency. Administrative rulemaking authority must be delegated by a law of the Nation to implement, interpret and/ or enforce a law of the Nation.

ii. When acting as an entity under this law, OLC shall prepare all financial analyses upon request indicating financial effects of a proposed administrative rule promulgated by an authorized entity of the Nation in compliance with this law.

b. OLC has been delegated administrative rulemaking authority as an authorized agency under the following laws of the Nation:

i. Real Property [6 O.C. 601]

ii. Leasing [6 O.C. 602]

iii. Eviction and Termination [6 O.C. 604]

iv. Landlord-Tenant [6 O.C. 605]

v. Mortgage and Foreclosure [6 O.C. 612]

D. Real Property [6 O.C. 601]. This law establishes OLC's seven (7) member elected membership and the responsibilities that are directly related to this law including:

i. Interpret the provisions of this law and create policy directives to guide Land Management in implementing the same;

ii. Approve or deny all easements and land use licenses;

iii. Review and adopt Land Management's standard operating procedures for entering agriculture and commercial leases pursuant to the Leasing law; approve or deny all acquisition of Tribal land;

iv. Allocate and assign land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in collaboration with affected Oneida divisions and departments and the Oneida Land Commission;

v. Name all buildings, roads, parks and the like on Tribal land; and

vi. Approve all land acquisition transactions.

vii. Approve the conversion of Tribal fee land into Tribal trust land with a resolution.

b. Administrative rulemaking authority delegated to OLC under this law:

i. Land Management and OLC shall jointly develop rules regarding requests for easements for landlocked properties.

ii. Land Management and OLC shall further develop rules related to probate. The rules will include timelines to ensure timely probate completion and land consolidation.

iii. OLC shall develop rules to allocate and assign land uses to all Tribal land, except uses governed by the Public Use of Tribal Land law.

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- iv. OLC and the Comprehensive Housing Division shall exercise joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property.
- v. Land Management and OLC shall develop easement and land use license rules.
- vi. The Oneida Planning Department shall develop the Land Use Technical Unit rules in collaboration with OLC.
- vii. Administrative rules must be promulgated in accordance with the administrative rulemaking procedures delegated to OLC as an authorized agency under the Administrative Rulemaking law [1 O.C. 106].

The proposed bylaws comply and there are no conflicts with the Real Property law.

E. Leasing [6 O.C. 602]. This law sets out all requirements related to the Nation's leases and OLC's role in this process. OLC has been granted administrative rulemaking under this law. Administrative rules must be promulgated in accordance with the administrative rulemaking procedures delegated to OLC under this law as an authorized agency under the Administrative Rulemaking law [1 O.C. 106]. The proposed bylaws comply and there are no conflicts with the Leasing law.

- a. Administrative rulemaking authority under this law has been granted to Land Management to develop and OLC to approve the following rules:
  - i. The format and requirements in the lease document applications for different types of leases, as well as additional procedures and processes to be followed when offering and awarding lease documents.
  - ii. Application submission process for a lease document which must include a lease award process and a bidding process used to determine the valuation of agricultural leases.
  - iii. Administrative fees for issuing a lease document or conducting any other administrative transaction.

F. Eviction and Termination [6 O.C. 604]. This law delegates OLC administrative rulemaking authority jointly with Land Management and the Comprehensive Housing Division. Administrative rules must be promulgated in accordance with the administrative rulemaking procedures delegated to OLC as an authorized agency under the Administrative Rulemaking law [1 O.C. 106]. The proposed bylaws comply and there are no conflicts with the Eviction and Termination law. OLC shall develop rules jointly with:

- i. Land Management to:
  - 1. further govern the processes contained in this law related to agricultural and business contracts; and
  - 2. regulate the disposition of personal property in relation to agricultural and business contracts.
- ii. The Comprehensive Housing Division to:
  - 1. define habitual noise violations;
  - 2. govern the execution of warrants, alcohol violations, obstruction/resisting, inspection related calls in which a law enforcement agency responds;
  - 3. further govern the processes contained in this law related to residential contracts; and
  - 4. govern the disposition of personal property in relation to residential contracts.

G. Landlord-Tenant [6 O.C. 605]. This law governs the mechanisms for protecting the rights of the landlords and tenants of the Nation's rental programs. The law has delegated OLC administrative

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rulemaking authority jointly with the Comprehensive Housing Division (CHD) related to residential rental programs for providing housing to tenants on the Reservation. Administrative rules must be promulgated in accordance with the administrative rulemaking procedures delegated jointly to OLC and the CHD as authorized agencies under the Administrative Rulemaking law [1 O.C. 106]. The proposed bylaws comply and there are no conflicts with the Landlord-Tenant law. Administrative rulemaking authority granted jointly with the CHD includes establishing rules:

1. naming residential rental programs and providing the specific requirements and regulations that apply to each program for specific members of the Nation to include: elder members, low-income members and families; and members in general.
2. governing the selection of applicants for the issuance of rental agreements.
3. governing the disposition of personal property.
4. detailing how and when rent is decreased pursuant to untenability of a rental premises.

H. Mortgage and Foreclosure [6 O.C. 612]. This law governs the standards and requirements for participation in the Nation's mortgage programs and has delegated OLC administrative rulemaking authority jointly with the Comprehensive Housing Division related to:

1. governing the selection of applicants for the issuance of a mortgage;
2. governing the requirements of mortgages entered by the Comprehensive Housing Division;
3. further governing the disposition of personal property; and
4. razing a foreclosed upon property.

OLC and the Comprehensive Housing Division Director shall jointly approve the foreclosure determination standard operating procedure. The proposed bylaws comply and there are no conflicts with the Mortgage and Foreclosure law.

I. Administrative Procedures Act [1 O.C. 101]. This law details the procedures used by OLC to conduct hearings for disputes arising under Tribal law. The proposed bylaws comply and there are no conflicts with the Administrative Procedures Act. OLC has been granted hearing body authority under the following laws of the Nation:

- i. Building Code [6 O.C. 603]
- ii. Condominium Ordinance [6 O.C. 604]
- iii. Zoning and Shoreline Protection Law [6 O.C. 605]

J. Building Code [6 O.C. 603]. OLC has been delegated hearing body authority under this law to hear appeals to the Zoning Administrator's decision related to a denial or revocation of a permit issued under this code. The hearings shall be held in accordance with the Administrative Procedures Act [1 O.C. 101]. The bylaws comply and there are no conflicts with the Building Code.

K. Condominium Ordinance [6 O.C. 604]. OLC may order partitions of a condominium property under this law. OLC has been delegated hearing body authority under this law to hear appeals to complaints arising from this law, the overrule contract, the condominium instruments, the bylaws or decisions of a condominium association or its board of directors or appeals may be filed with the Oneida Judiciary. The hearings shall be held in accordance with the Administrative Procedures Act [1 O.C. 101]. The proposed bylaws comply and there are no conflicts with the Condominium Ordinance.

L. Zoning and Shoreline Protection [6 O.C. 605]. OLC has the duty and power to carry out the intent and purposes of this law and to enforce the provisions in the law including:

- 360 i. adopt and have custody of zoning maps of the reservation and shall investigate
- 361 disputes and decide all mapping disputes
- 362 ii. recommend all fees related to the administration of this law to the OBC for
- 363 adoption
- 364 iii. approve all applications
- 365 iv. approve changes inconsistent with an approved development plan for specific
- 366 reasons listed in the law
- 367 v. initiate legal proceedings and may extend time limits of development schedules
- 368 vi. approve final development plans and any changes to the final plan
- 369 vii. rights to hear appeals when an application is denied by the Zoning Administrator
- 370 viii. extend and use permits for specific reasons detailed in the law
- 371 ix. consider conditional use permits
- 372 x. have authority to revoke licenses
- 373 xi. may impose additional conditions on permits
- 374 xii. issue variances
- 375 xiii. shall hold public hearings on applications to rezone property
- 376 xiv. shall approve procedures related to any non-conformance through administrative
- 377 remedies
- 378 xv. shall review leases of lessee's who violate this law and may terminate said lease
- 379 or allow the lease to continue with or without conditions

380 OLC has hearing body authority under this law to hear appeals related to permits denied or revoked  
 381 by the Zoning Administrator as well as contested fines issued under this law. All hearings are  
 382 subject to the Administrative Procedures Act [1 O.C. 101]. The proposed bylaws comply and  
 383 there are no conflicts with the Zoning and Shoreline Protection law.  
 384

385 M. Cemetery Law [1 O.C. 127]. This law governs the administrative authority over the Oneida Nation  
 386 cemeteries on the Oneida Reservation. The OLC is delegated authority to designate parcel(s) of  
 387 land to be used for one (1) or more Oneida Nation Cemeteries [1 O.C. 127.4-2]. The OLC will  
 388 receive a copy of an action taken or planned action to remedy any complaints filed with Land  
 389 Management [1 O.C. 127.9-2]. The proposed bylaws comply and there are no conflicts with the  
 390 Cemetery Law  
 391

392 N. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related  
 393 to elected and appointed Boards, Committees and Commissions of the Nation. The law governs  
 394 the procedures regarding the appointment and election of persons to boards, committees and  
 395 commissions, creation of bylaws, maintenance of official records, compensation, and other items  
 396 related to boards, committees and commissions. OLC is elected by the General Tribal Council  
 397 [Proposed Bylaws 1-5(b)]. The requirements for entity bylaws are contained in this law as well as  
 398 a requirement that all existing entities of the Nation comply with the format detailed in the law and  
 399 present the bylaws for adoption by the OBC within a reasonable timeframe. The proposed bylaws  
 400 comply and there are no conflicts with the Boards, Committees and Commissions law.  
 401

402 O. Election [1 O.C. 102]. This law governs the election process for elected members of the OLC. The  
 403 Election law governs the procedures for the conduct of orderly elections of the Nation, including  
 404 pre-election activities such as caucuses and nominations [1 O.C. 102.1-1]. The law governs all  
 405 procedures used in the election process [1 O.C. 102.1-2]. The OLC is elected by the General Tribal  
 406 Council [Proposed Bylaws 1-5(b)]. The proposed bylaws comply and there are no conflicts with  
 407 the Election law.  
 408

409 P. Removal Law [1 O.C. 104]. This law governs the removal process related members that are elected  
 410 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 and 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. OLC proposed bylaws include additional behavioral expectations that if not followed may result in a petition for removal [Proposed Bylaws 4-1(g)(2)]. 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.

- Q. Code of Ethics [1 O.C. 103]. OLC members are required to abide by the Code of Ethics law and Article IV of the bylaws addresses the behavioral expectations of members some of which are covered in the Code of Ethics law [Proposed Bylaws 4-1]. This law promotes the highest ethical conduct from elected and appointed government officials and expects that officials will demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities to inspire public confidence and trust in the governmental officials of the Oneida Nation. Government officials are also expected to adhere to the laws, customs, and traditions of the Nation. The proposed bylaws comply and there are no conflicts with the Code of Ethics.
- R. Social Media Policy [2 O.C. 218]. This law 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 OLC must comply with the Social Media Policy and that OLC members will abide by their Oath of Office while using social media while acting on behalf of or as a representative of the Commission [Proposed Bylaws 4-4]. This complies with the Boards, Committees and Commissions law [1 O.C. 105.10-3(d)(4)]. The proposed bylaws comply and there are no conflicts with the Social Media Policy [2 O.C. 218].
- S. Travel and Expense Policy [2 O.C. 219]. Members of OLC are eligible to be reimbursed for travel and per diem to attend a conference or training with OLC approval. This law details that boards, committees and commissions must detail levels of sign-off authority required for travel [2 O.C. 219.4-2]. The BCSO will have sign-off authority over requests for stipends, travel per diems and business expense reimbursement [Proposed Bylaws 2-7(a)(1)(A)]. The OLC must approve travel by majority vote and two (2) Officers must sign off on all travel requests [Proposed Bylaws 2-7]. The proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.
- T. Conflict of Interest [2 O.C. 217]. This law applies to OLC 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 proposed bylaws include the required provision [Proposed Bylaws 4-5]. The proposed bylaws comply and there are no conflicts with the Conflict of Interest law.
- U. 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 bylaws delegate the maintenance of the records to the OLC Secretary [Proposed Bylaws 2-4(a)]. OLC meetings are open to the public except portions that meet the exceptions in this law related to personnel matters or contracts are



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being discussed and deemed confidential [Bylaws 3-1(c)]. Meeting packets and backup materials are available to all OLC members 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 bylaws comply and there are no conflicts with the Open Records and Open Meetings law.

V. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The OLC is considered an entity [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 OLC members, are certified to drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires OLC members (officials) to have written consent from the OLC 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, OLC members must abide by all reporting requirements in this law [2 O.C. 210.9-2].

- a. OLC 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 Land Commission Bylaws

### Article I. Authority

1-1. *Name.* The name of this entity shall be the Oneida Land Commission, hereinafter referred to as the "Commission."

1-2. *Authority.* By the authority of the General Tribal Council, the Commission was established February 28, 1941 in section 3 of Ordinance No. 1, Lands. The Commission is re-recognized and created under the Real Property Law, Article XVI. The Commission shall have the following powers and duties:

- (a) Set standards of professional competence and conduct for professions detailed in the Real Property Law, review the examination grades of prospective new practitioners, grant licenses, investigate complaints of alleged unprofessional conduct, and perform other functions as designated by the Real Property Law.
- (b) Hear and decide contested cases that may arise out of the Real Property Law.
- (c) Implement and interpret provisions of the Real Property Law.
- (d) Supervise the actions of the Division of Land Management Director, consistently with the General Manager's supervisory authority.
- (e) Accept, investigate, and report all transfers of Oneida land to the Business Committee.
- (f) Review, investigate, and approve the Tribal purchase of land, in accord with the annual acquisition budget approved by the General Tribal Council and implemented by the Business Committee.
- (g) Monitor and make decisions for the most efficient and beneficial use of the Land Acquisition Budget and implementation of the Land Acquisition Plan.
- (h) Develop and implement policies and procedures for the Commission and the Division of Land Management.
- (i) Develop and participate in training sessions relating to real property.

1-3. *Office.* The official mailing address of the Commission shall be:

Oneida Land Commission  
P.O. Box 365  
Oneida, Wisconsin 54155  
-or-  
Oneida Land Commission  
c/o Division of Land Management  
470 Airport Road  
Oneida, Wisconsin 54155

1-4. *Membership.*

(a) *Number of Members.* The Commission shall be comprised of seven (7) members, elected for three (3) year terms.

(1) Terms shall be staggered, with expiring positions elected every year. The first elected Commissioners shall serve according to the following formula, and staggering of terms shall begin thereafter:

(A) The three (3) candidates receiving the three (3) highest number of votes shall serve an initial term of three (3) years.



- (B) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of two (2) years.
  - (C) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of one (1) year.
  - (D) Commissioners elected from that point forward shall serve three (3) year terms.
- (b) *Qualifications.* To qualify for membership a person shall:
- (1) be a member of the Oneida Tribe.
  - (2) be a resident of Brown or Outagamie County
  - (3) not be employed by the Division of Land Management.
- (c) *Stipends.* A Commission member shall receive a stipend, as funds permit, in an amount specified under the Comprehensive Policy Governing Boards, Committees and Commissions, unless otherwise specified by a Tribal Resolution approved by the Business Committee. Stipends shall not be allowed for canceled meetings, or for meetings that
- (1) do not address agenda items; or
  - (2) do not last at least one (1) hour; or
  - (3) do not have a quorum present.
- (d) *Vacancies.* Vacancies shall be filled pursuant to the procedures found in these bylaws.
- (1) For a vacancy having a term of less than one (1) year remaining, the Business Committee may appoint a qualified applicant to fill the vacancy for the remainder of the vacated term. If a quorum of the Commission cannot be met until the vacancy is filled, the Business Committee shall appoint a qualified applicant to fill the vacancy for the remainder of the term as soon as possible. In an attempt to find a qualified applicant to fill the position, the Business Committee shall advertise the vacancy in the Kalihwisaks and the Tribal Secretary shall accept applications. The Commission may recommend a candidate from the applications received.
  - (2) For a vacancy having a term greater than one (1) year remaining, the vacancy shall be filled in the next regular or special election held by the Tribe.
- (e) The Commission shall only accept a resignation in written form and shall promptly forward a copy to the Tribal Secretary. Unless otherwise specified in the written resignation, resignations shall be effective upon delivery to the Commission.

## **Article II. Officers**

- 2-1. The Commission shall have three (3) officers: Chairperson, Vice-chairperson and Secretary.
- 2-2. *Chairperson Duties.* The Chairperson shall preside over all meetings and may not vote except in cases of a tie.
- 2-3. *Vice-Chairperson Duties.* The Vice-chairperson shall preside over all meetings in the absence of the Chairperson and, when presiding, may not vote except in cases of a tie. In all other instances, when not chairing a meeting, the Vice-chairperson may vote.
- 2-4. *Secretary Duties.* The Secretary shall keep the official minutes and meeting materials of the Commission.

2-5. *How Chosen.* The Commission shall select its officers at its first regular meeting after newly elected members are sworn in.

(a) *Vacancy.* If a vacancy occurs in an officer position, the Commission shall make a replacement appointment at the first regular meeting following the vacancy, to serve the remainder of the vacated officer's term.

2-6. *Personnel.* The Oneida Land Commission does not have authority to hire personnel for the benefit of the entity.

### **Article III. Meetings**

3-1. *Meetings.* The Commission shall meet the second and fourth Monday of every month. The time and place for meetings shall be established by the Commission.

(a) *Regular Meetings.* The Commission shall hold a regular meeting on the second Monday of each month, devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues.

(b) *Land Acquisition Meetings.* The Commission shall hold a land acquisition meeting on the fourth Monday of each month, devoted to the acquisition of land and consideration of purchase proposals and other comments and concerns pertaining to land issues.

(c) *Special Meetings.* Special Meetings may be called by the Chairperson or four (4) Commissioners at any time. Such meetings shall be conducted in the same manner as regular scheduled meetings. The Chairperson shall give 24 hour notice to all members and state a specific purpose.

(d) *Presence of Division Director.* The Director of the Division of Land Management, or a designated representative, is required to attend all regular scheduled and special meetings.

#### **3-2. Conduct of Business**

(a) *Quorum.* A quorum required for the conduct of business shall consist of four (4) members, including either the Chairperson or the Vice-Chairperson.

(b) *Order of Business.* The order of business, so far as applicable, shall be:

- (1) Call to order
- (2) Adoption of Agenda
- (3) Reading of Minutes
- (4) Old Business
- (5) New Business
- (6) Reports
- (7) Other Business
- (8) Executive Session
- (9) Adjournment

(c) *Voting.* Decisions shall be by majority vote, with each member having one vote except for the Chairperson or other presiding officer, who shall not vote except to resolve a tie.

(1) No phone poll of Commission members shall be accepted as a vote of the Commission.

(2) No proxy votes are allowed.

3-3. *Subcommittees.* The Commission may appoint such continuing or limited purpose



subcommittees as it deems necessary, which shall serve at the pleasure of the Commission.

3-4. *Hearing Bodies.* The Commission may appoint a body for arranging or conducting public hearings and/or contested case hearings (e.g. evictions, foreclosures, licensing decisions, probate).

3.5 *Stipends and Hearing Bodies.* Hearing body members are eligible to receive a stipend regardless of the length of the hearing.

#### **Article IV. Reporting**

4-1. *Agenda.* Agenda items shall be in an identified format.

(a) Items to be on the agenda shall be provided at least 24 hours before the meeting.

(b) Items with less than 24 hours notice shall not be accepted, unless approved by a majority vote of the Commission.

(c) Packages of the proposed agenda and back up documentation will be made available to the Commissioners as early as is practical. Executive items are to be in a separate sealed envelope stamped confidential.

4-2. *Minutes.* Minutes shall be preserved in a consistent typed format designed to generate the most informative record of the Commission's meetings.

(a) Meeting Materials. Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or may be kept separately, provided that all such materials are identified as to the meeting in which they were presented.

(b) Where the interests of confidentiality so require (i.e., loans), personal names shall be replaced with a loan number, case number or other non-personally identifiable number.

(c) All minutes shall be submitted to the Secretary's office within thirty (30) days after approval by the Commission.

4-3. *Reports.* The Commission is responsible to the General Tribal Council and the Business Committee for the following reports and activities:

(a) Providing semi-annual reports, based upon activities completed.

(b) Providing an annual meeting, projecting future purchases, plans and activities.

4-4. The Commission's quarterly report to the Business Committee shall include all relevant names of Tribal members, even if those names had been replaced with non-personally identifiable numbers in the minutes.

#### **Article V. Obligations of Committee Members**

5-1. *Robert's Rules of Order.* Commission members shall be knowledgeable or become knowledgeable about Robert's Rules of Order.

5-2. *Code of Ethics.* Commission members shall be knowledgeable about, and conform with the Oneida Code of Ethics, adopted by Resolution 11-23-94-A, and any amendments thereto.

5-3. *Conflict of Interest.* Commission members shall be knowledgeable about, and conform with Oneida Conflict of Interest policies.

5-4. *Meeting Attendance.* Commission members shall attend all regularly scheduled Commission meetings unless they have submitted an excuse to a Commission officer or the Division Director at least 24 hours prior to the meeting.

5-5. *Removal.* Commission members may be removed pursuant to the Oneida Removal Law:

(a) Failure to attend four (4) regularly scheduled meetings without notice may be

grounds for removal from the Commission.

(b) Failure to attend fifty percent (50%) of an entity's regular scheduled meetings within a twelve (12) month period for any reason.

(c) Intentional mis-use of Tribal funds,

(d) Alcohol use while performing official responsibilities or use of illegal drugs at any time.

#### **Article VI. Procedures on Contested Matters**

6-1. Grievances regarding any land-related transaction shall be resolved in accordance with the Real Property Law and the Administrative Procedures Act.

(a) Wherever possible and allowed by law, the Director of the Division of Land Management shall first attempt to resolve the matter before submitting the issue to the Commission.

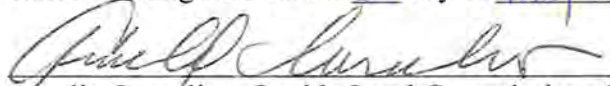
(b) Upon receipt of notice of a contested matter by the Director of the Division of Land Management, or a special committee thereof, the Commission shall hold or provide for the holding of a hearing in accordance with the Administrative Procedures Act for all cases within its jurisdiction.

#### **Article VII. Amendments**

7-1. The Commission, upon written notice, at a regular meeting may adopt amendments revising, adding to or repealing any or all of the foregoing bylaws, provided that the proposed amendments have been submitted in writing at the previous regular meeting. Such amendments shall thereafter be submitted for review by the Legislative Operating Committee and final approval by the Business Committee.

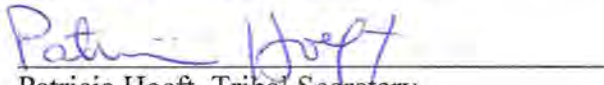
7-2. Updating and Review. At the first meeting following the election of officers, the Commission shall conduct a review of these bylaws to determine that they remain current.

These bylaws as amended and revised, were adopted by the Oneida Land Commission at a duly called meeting held on the 27<sup>th</sup> day of May, 2008.



Amelia Cornelius, Oneida Land Commission, Chairperson

And approved by the Oneida Business Committee at a duly called meeting held on the 10<sup>th</sup> day of December, 2008.



Patricia Hoeft, Tribal Secretary



~~Oneida Land Commission Bylaws~~ONEIDA LAND COMMISSION BYLAWS**Article I. -Authority**

~~1-1. 1-1. Name.-~~ The name of this entity shall be the Oneida Land Commission, hereinafter ~~referred to as the "Commission."~~

~~1-2. Establishment. The Commission, originally named Authority. By the authority of the General Tribal Council, the Commission Land Committee, was established~~  
~~by the Oneida General Tribal Council on February 28, 1941 in section 3, through~~  
~~adoption of Ordinance No. 1, Lands. The Commission is re-recognized,~~  
~~and created under the Real Property Law, Article XVI. The Commission shall have the~~  
~~following powers and duties:~~

~~(a) Set standards of professional competence and conduct for professions detailed in the Real Property Law, review the examination grades of prospective new practitioners, grant licenses, investigate complaints of alleged unprofessional conduct, and perform other functions~~  
~~reestablished as designated by the Real Property Law.~~

~~(b) Hear and decide contested cases that may arise out of the Real Property Law.~~

~~(c) Implement and interpret provisions of the Real Property Law.~~

~~(d) Supervise the actions of the Division of Land Management Director, consistently with the General Manager's supervisory authority.~~

~~(e) Accept, investigate, and report all transfers of the Oneida land to the Business Committee.~~

~~(f) Review, investigate, and approve the Tribal purchase of land, in accord with the annual acquisition budget approved Land Commission within the Real Property law that was adopted by the General Tribal Council and implemented by the Business Committee. Oneida Business Committee through resolution BC-5-29-96-A and amended from time-to-time thereafter.~~

~~1-3. Authority. (g) Monitor and make decisions for the most efficient and beneficial use of the Land~~

~~Acquisition Budget and implementation of the Land Acquisition Plan.~~

~~(h) Develop and implement policies and procedures for the Commission and the Division of Land Management.~~

~~(i) Develop and participate in training sessions relating to real property.~~

~~1-3. The Commission was established for the purpose of managing the Nation's land resources, with authority to carry out the all powers and duties as delegated under the following laws of the Nation:~~

~~(a) The Real Property law;~~

~~(b) The Leasing law;~~

~~(c) The Building Code;~~

~~(d) The Condominium Ordinance;~~

~~(e) The Zoning and Shoreland Protection law;~~

~~(f) The Eviction and Termination law;~~

- (g) The Landlord-Tenant law;
- (h) The Mortgage and Foreclosure law;
- (i) The Cemetery Law; and
- (j) All any other delegating law, policy, rule and/or resolution of the Nation.

1-4. ~~Office.~~ ~~Office.~~ The official mailing address of the Commission shall be: ~~Oneida Land Commission~~

Oneida Land Commission

P.O. Box 365

Oneida, Wisconsin 54155

~~-or-~~

~~Oneida Land Commission~~

~~e/o Division of Land Management~~

~~470 Airport Road~~

~~Oneida, Wisconsin 54155~~

1-5. ~~1-4. Membership.~~

~~(a) Number of Members.~~ —The Commission shall ~~be comprised~~ consist of seven (7) ~~members, elected for three (3) year terms.~~

~~(a) (1) Terms shall be staggered, with expiring positions elected every year. The first elected \_\_\_\_\_ Commissioners shall serve according to the following formula, and staggering of terms shall begin thereafter:.~~

~~(A) The three (3) candidates receiving the three (3) highest number of votes shall serve an initial term of three (3) years.~~

- ~~(B) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of two (2) years.~~
- ~~(C) The two (2) candidates receiving the next two (2) highest number of~~
- ~~(b) votes~~ Elected. Commissioners shall be elected in accordance with the Nation's election laws and/or policies for three (3) year staggered terms with expiring positions elected every year.
- ~~(1) Commissioners shall hold office until their term expires, they resign, or they are removed/terminated from office.~~
- ~~(A) Although a Commissioner's term has expired, he or she shall~~ remain in office and serve an initial term of one (1) year.
- ~~(D) Commissioners elected from that point forward shall serve three (3) year terms.~~
- ~~(b) Qualifications. To qualify for membership a person shall:~~
- ~~(1) be~~ until ~~a member of the Oneida Tribe.~~
- ~~(2) be a resident of Brown or Outagamie County~~
- ~~(3) not be employed~~ successor has been sworn in by the Division of Land Management.
- ~~(c) Oneida Stipends. A Commission member shall receive a stipend, as funds permit, in an amount specified under the Comprehensive Policy Governing Boards, Committees and Commissions, unless otherwise specified by a Tribal Resolution approved by the Business Committee. Stipends shall not be allowed for canceled meetings, or for meetings that~~
- ~~(1) do not address agenda items; or~~
- ~~(2) do not last~~ (B) A Commissioner may resign at least one (1) hour; or
- ~~(3) do not have~~ any time verbally at a quorum present.
- ~~(d) Vacancies. Vacancies shall be filled pursuant~~ meeting or by delivering written notice to the procedures found in these bylaws.
- ~~(1) For a vacancy having a term of less than one (1) year remaining, the~~ Oneida Business Committee may appoint a qualified applicant to fill the vacancy for the remainder of the vacated term. If a quorum of the Support Office and the Commission cannot be met until the vacancy is filled, the Business Committee shall appoint a qualified applicant to fill the vacancy for the remainder of the term as soon as possible. In an attempt to find a qualified applicant to fill the position, the Business Committee shall advertise the vacancy in the Kalihwisaks and the Tribal Secretary shall accept applications. The Commission may recommend a candidate from the applications received.
- Chairperson or Chairperson's designee.
- ~~(2) For a vacancy having a term greater than one (1) year remaining, the vacancy shall be filled in the next regular or special election held by the Tribe.~~



~~(e) The Commission shall only accept a~~ (i) ~~The~~ resignation in written form and shall promptly forward a copy to the Tribal Secretary. Unless otherwise specified in the written resignation, resignations shall be ~~is~~ deemed effective upon acceptance by Commission motion of a Commissioner's verbal resignation or upon delivery of the written notices.

(c) *Vacancies.* Vacancies on the Commission shall be filled as follows:

(1) *Expired Terms.* Vacancies caused by the expiration of a Commissioner'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 remainder of the unexpired term.

(A) The Chairperson of the Commission may provide the Oneida Business Committee recommendations on applications for appointment by the executive session in which the appointment is intended to be made.

(d) *Qualifications of Commissioners.* To qualify for membership on the Commission, a person shall:

(1) Be a member of the Oneida Tribe;

(2) Be a resident of Brown or Outagamie County;

(3) Be at least eighteen (18) years of age or older; and

(4) Not be employed within the Nation's Audit Department, Finance Department or Law Office; as a Division Director or Area Manager for the Nation; or as an independent contractor for Land Management.

1-6. *Termination or Removal.* A Commissioner found to be in violation of these bylaws, or any other governing laws of the Nation, may be subject to the following:

(a) If the Commissioner was elected, the Commission's filing of a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.

(b) If the Commissioner was appointed, the Commission's recommendation to the Oneida Business Committee for the termination of his or her appointment pursuant to the ~~Commission~~ Boards, Committees and Commissions law and /or any other law of the Nation governing the 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 Commissioners in attendance at a Commission meeting of an established quorum.

1-7. *Trainings and Conferences.* Each Commissioner shall attend, on an annual basis, mandatory trainings/conferences on topics such as: land management; real

property; zoning; federal, state and/or Tribal real estate/property laws; land use, development and acquisition; and Robert's Rules of Order.

- (a) Regardless of the number of trainings/conferences that he or she is required to attend, no Commissioner 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 Officers of the Commission shall ~~have three (3) officers:~~ consist of a Chairperson, a ~~Vice-chairperson—~~ Chairperson and a Secretary.

2-2.— Responsibilities of the Chairperson—Duties.— The ~~Chairperson shall~~ duties, responsibilities and limitations of the Chairperson shall be as follows:

(a) To call and preside over all meetings ~~and may not vote except in cases of a tie of the Commission and provide notice~~ of emergency meetings in accordance with these bylaws and the Nation's Open Records and Open Meetings law;

(b) To, personally or through a designee, 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; and

(c) To attend, or designate a Commissioner to attend, the Oneida Business Committee meeting where the Commission's quarterly report appears on the agenda.

2-3.— Responsibilities of the Vice-Chairperson—Duties.— The ~~duties, responsibilities and limitations of the~~ Vice-chairperson—Chairperson shall be as follows:

To preside ~~over all meetings in the~~

- (a) absence of the Chairperson—~~and, when presiding, may not vote except in cases of a tie. In all other instances, when not chairing a meeting, the Vice chairperson may vote.~~

2-4.— Responsibilities of the Secretary—Duties.— The duties, responsibilities and limitations of the Secretary ~~shall~~ be as follows:

(a) To be responsible for keeping/taking the official minutes ~~and meeting materials of the Commission~~ of all Commission meetings, audio recording all meetings, submitting copies of the minutes to the Oneida Business Committee Support Office in accordance with the Boards, Committees and Commissions law; and making minutes available to all Commissioners, as well as the public, per the requirements of these bylaws and the Nation's Open Records and Open Meetings law; and

(b) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, to call meetings of the Commission to fill the vacancies and to preside over those meetings for the sole purpose of selecting new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.

2-5. ~~How Chosen.~~ Selection of Officers. The Commission shall select its ~~officers~~ Officers by majority vote at ~~its~~ the first \_\_\_\_\_ regular meeting ~~after of an established quorum following the newly elected members are~~ \_\_\_\_\_ Commissioners being sworn in.

(a) ~~Vacancy.~~ (a) Officers shall serve one (1) year terms and shall only hold one (1) Officer \_\_\_\_\_ position per Officer term.

(1) If a vacancy occurs in an ~~officer~~ Officer position, the Commission shall make a replacement appointment at the first regular meeting following the vacancy, to serve the remainder of the vacated ~~officer's~~ Officer's term.

(b) Commissioners may be dismissed from their Officer positions by majority vote of the Commissioners in attendance at a meeting of an established quorum.

2-6. Subcommittees. Subcommittees of the Commission may be created and dissolved by the Commission as it deems necessary so long as in accordance with the Boards, Committees and Commissions law.

(a) Members of a subcommittee created by the Commission 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 Commission shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the Commission 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 Officers of the Commission have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:

(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The Commission shall approve a Commissioner's request to travel on its behalf by a majority vote of the Commissioners in attendance at a regular or emergency meeting of an established quorum.

2-8. ~~2-6.~~ Personnel. The Oneida Land Commission does not have authority to hire personnel for \_\_\_\_\_ the benefit of the entity.

**Article III. -Meetings**

3-1. Regular Meetings. ~~The Commission shall meet the second and fourth Monday of every month, commencing at 5:00 p.m., in the Little Bear Conference Room located at N7332 Water Circle Place in Oneida, Wisconsin.~~ The time and place for the meetings shall be established by the Commission.

~~(a) Regular Meetings. The Commission shall hold a regular meeting on the~~  
The second

Monday of each month, shall be devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues.

~~(b) Land Acquisition Meetings. The Commission shall hold a land acquisition meeting~~

~~(a) on the~~ The fourth Monday of each month, shall be devoted to the acquisition of land and consideration of purchase proposals and other comments and concerns pertaining to land issues.

~~(c) Special~~ (b) The Commission may change its regular meeting date, time and location from time-to-time as it determines necessary by majority vote of the Commissioners in attendance at a meeting of an established quorum so long as notice is given to all Commissioners in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings. Special law, prior to the implementation of a new date, time and/or location.

(c) Notice of meeting location, agenda, minutes and materials shall be provided by the Oneida Business Committee Support Office to all Commissioner in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law.

(d) Cancelled meeting process shall follow the Standard Operating Procedures established between the Land Commission and the appropriate administrative support.

3-2. Emergency Meetings. An emergency meeting may be called when a timely decision related to any of the Commission's powers or duties is needed before the next regularly scheduled Commission meeting that if not made in a timely manner may be detrimental to the membership or the Nation.

(a) Emergency meetings may be called by the Chairperson or four (4) by three (3) Commissioners at any time. Such meetings shall be conducted in the same manner as regular scheduled meetings.

(b) The Chairperson shall give or Chairperson's designee shall provide at least twenty-four (24-hour) hours advance notice of the emergency meeting to all members Commissioners in writing and state-by telephone call, stating the specific purpose for the meeting, and, along with the public, shall further provide them with notice in accordance with the Open Records and Open Meetings law.

(c) Within seventy-two (72) hours of an emergency meeting, the Commission shall provide the Nation's Secretary with the 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 between the Commission and the Oneida Business Committee shall be held as agreed upon between the parties at the Norbert Hill Center located in Oneida, Wisconsin.

(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. ~~(d) Presence of Division Director. The Director of the Division of Land Management, or a designated representative,~~ A quorum is required to ~~attend all regular scheduled and special meetings.~~

3-2. Conduct of Business

(a) ~~Quorum.~~ A quorum required for the conduct of business on behalf of the Commission and shall consist of no less than four (4) ~~members, including either Commissioners, one (1) of which shall~~ include the Chairperson ~~or the~~ Vice-Chairperson ~~or Secretary; provided, the~~ Secretary is presiding over the meeting in accordance with section 2-4(b) of these bylaws.

~~(b)~~

3-5. Order of Business. ~~The order of business, so far as applicable, shall be: (1)~~

- (a) Call to order
- (b) ~~(2)~~ Adoption of Agenda
- (c) ~~(3)~~ Reading of Minutes
- (d) ~~(4)~~ Old Business ~~(5)~~
- (e) New Business ~~(6)~~
- (f) Reports
- (g) ~~(7)~~ Other Business
- (h) ~~(8)~~ Executive Session
- (i) ~~(9)~~ Adjournment
- (e)

3-6. Voting. ~~Decisions shall be by majority vote of the Commissioners in attendance at a meeting of an established quorum, with each member Commissioner having one vote (1) vote.~~ except for the (a) The Chairperson or ~~other~~ presiding officer, who ~~Officer~~ shall not vote except to resolve a tie.

(b) E-polls may be conducted in accordance with the Boards, Committees and Commissions law so long as the item subject to the e-poll had previously been on a meeting agenda.

(1) The Vice-Chairperson, in the absence or discretion of the Chairperson, shall be responsible for conducting e-polls.

Article IV. ~~(Expectations~~

~~4-1) No phone poll.~~ *Behavior of Commissioners.* Commissioners are expected to: \_\_\_\_\_

- \_\_\_\_\_
- (a) Uphold the laws, regulations, policies of the Nation, and any memorandums of agreement between the Oneida Business Committee and the Commission-members shall;
  - (b) Perform their duties to the best of their ability with honor, respect, dignity, and sincerity;
  - (c) Behave in a manner that promotes the highest ethical and moral standard and be ~~accepted~~ knowledgeable about, and conform to the Code of Ethics;
  - (d) Maintain confidential information with the strictest confidentiality;
  - (e) Ensure that all decisions and recommendations are made in the best interest of the Oneida Nation as a ~~vote of the~~ whole; and
  - (f) Attend all regularly scheduled Commission meetings.
    - (1) Unless medically incapacitated, four (4) unexcused absences from regularly scheduled meetings of the Commission within a one (1) year period may be grounds for removal/termination or disciplinary action hereunder.
      - (A) An absence shall be deemed unexcused if a Commissioner fails to provide an Officer with written notice of his or her pending absence at least thirty (30) minutes prior the missed meeting.
    - (2) Failure to attend fifty percent (50%) of the Commission's regular scheduled meetings within a twelve (12) month period for any reason may be grounds for removal/termination or disciplinary action hereunder.
  - (g) Enforcement. Any Commissioner found to be in violation of this or any section of these bylaws may be subject to the following:
    - (1) Sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties for officials.
    - (2) If the Commissioner was elected, the Commission'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 Commissioner was appointed, the Commission'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.
      - (A) The filing of a petition for removal or recommendation for termination shall be decided by a majority vote of the Commissioners in attendance at a meeting of an established quorum.



4-2. Prohibition of Violence. Commissioners are strictly prohibited from committing intentionally violent acts that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person, or damage to personal property.

4-3. Drug and Alcohol Use. The use of alcohol and illegal drugs by a Commissioner while performing official responsibilities on behalf of the Commission is strictly forbidden.

4-4.(2) No proxy votes are allowed.

3-3. Subcommittees. The Commission may appoint such continuing or limited purpose

~~subcommittees as it deems necessary, which shall serve at the pleasure of the Commission.~~

~~3-4. *Hearing Bodies.* The Commission may appoint a body for arranging or conducting public hearings and/or contested case hearings (e.g. evictions, foreclosures, licensing decisions, probate).~~

~~3. *Social Media.* Commissioners shall adhere to 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 Commission.~~

~~4-5. *Conflict of Interest.* Commissioners shall abide by all laws of the Nation governing conflicts of interest.~~

~~(a) Commissioners shall be knowledgeable about and conform to the Conflict of Interest law.~~

#### **Article V. Stipends and Compensation**

~~5-1. *Stipends.* ~~Hearing Bodies. Hearing body members are~~ Commissioners shall be eligible to receive a 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) meeting stipends 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 Commissioner collecting the stipend regardless of the length of the was physically present for the entire meeting.~~

~~(b) A stipend for attending a conference or training, provided that:~~

~~(1) The Commissioner attended a full day of training or was present at the conference for a full day; and~~

~~(2) The Commissioner's attendance at the conference or training was required by law, bylaws or resolution.~~

~~(c) A stipend for attending a Judiciary hearing so long as the attendance was required by official subpoena.~~

~~(d) A stipend for attending a duly called joint meeting between the Commission and the Oneida Business Committee, provided that:~~

~~(1) A quorum was established by the Commission;~~

~~(2) The joint meeting lasted for at least one (1) hour; and~~

~~(3) The Commissioner collecting the stipend was physically present for the entire joint meeting.~~

~~(e) A stipend for attending an official hearing of the Commission.~~

~~(1) Commissioners shall rotate their attendance at official hearings of the Commission that are mandated by the Nation's governing laws.~~

~~5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, Commissioners shall not~~

be eligible for any other form of compensation for duties/activities they perform on behalf of the Commission.

## Article VI.

### ~~Article IV.~~ Records and Reporting

4-1. 6-1. Agenda— Items. Agenda items shall be ~~in an identified format~~ maintained in a format developed by the Oneida Business Committee Support Office.

- (a) ~~(a) Items to be on the~~ Each agenda ~~shall be provided at least 24 hours before~~ item must include an agenda request form with all necessary documentation for that item.
- (b) Each agenda item must have a sponsor with the Oneida Business Committee Support Office serving as the default sponsor.
- (c) All internal agenda requests must be signed by the appropriate Division Director and have a representative present at the meeting.
- (d) ~~(b)~~ Items ~~with~~to be on the agenda shall be provided at least twenty-four (24) hours before the meeting.
  - (1) Items provided less than twenty-four (24) hours ~~notice before the meeting~~ shall not be accepted, unless approved by a majority vote of the ~~Commission~~ Commissioners in attendance at a meeting of an established quorum.
- ~~(e)~~ ~~(c)~~ Packages of the proposed agenda and back up documentation will be made available. Executive Session items shall only be provided to the Commissioners and must be marked as early as is practical. ~~Executive items are to be in a separate sealed envelope stamped confidential.~~
- (f) ~~4-2.~~ Revised agenda packets will be created and kept in a shared file. A revised agenda packet shall be created anytime there are additional items added to the agenda.

6-2. Minutes. — Minutes shall be ~~preserved~~prepared in a ~~consistent typed~~ format ~~designed~~created by the Oneida Business Committee Support Office to generate the most informative record of the ~~Commission's meetings~~ meeting.

- (a) (a) Minutes shall contain, verbatim, the motions made during the meeting and a summary of the action taken at the meeting if needed to complete the record.
  - (b) Meeting ~~Materials. Handouts~~ minutes may contain case numbers or redacted information when necessary to protect personal or other confidential matters in compliance with the Open Records and Open Meetings law.
  - (c) Copies of the Commission's meeting minutes shall be provided to the Oneida Business Committee Support Office within thirty (30) days of the meeting.

6-3. Attachments. All handouts, reports, ~~memoranda~~memorandum and the like ~~may be~~shall be labeled appropriately; attached to the meeting minutes

and agenda, ~~or may be kept separately, provided that all such materials are identified as to the meeting\_ in which they~~ were presented; and maintained in a shared file with the Oneida Business Committee Support Office.

~~(b) Where the interests of confidentiality so require (i.e., loans), personal names shall be replaced with a loan number, case number or other non-personally identifiable number.~~

~~(c) All minutes shall be submitted to the Secretary's office within thirty (30) days after approval by the Commission.~~

~~4-3. Reports. The Commission is responsible to the General Tribal Council and the~~

6-4. Oneida Business

Committee for the following reports and activities:

~~(a) Providing semi-annual reports, based upon activities completed.~~

~~(b) Providing an annual meeting, projecting future purchases, plans and activities.~~

~~4-4. The Commission's quarterly report to the~~ Liaison. The Commission shall regularly communicate with the member of the Oneida Business Committee shall include all relevant names of Tribal members, even if those names had been replaced with non-personally identifiable numbers in the minutes who is its designated liaison.

~~Article V. Obligations of Committee Members~~

~~5-1. Robert's Rules of Order. Commission members shall be knowledgeable or become knowledgeable about Robert's Rules of Order.~~

~~5-2. Code of Ethics. Commission members shall be knowledgeable about, and conform with the Oneida Code of Ethics, adopted by Resolution 11-23-94 A, and any amendments thereto.~~

~~5-3. Conflict of Interest. Commission members shall be knowledgeable about, and conform with Oneida Conflict of Interest policies.~~

~~5-4. Meeting Attendance. Commission members shall attend all regularly scheduled Commission meetings unless they have submitted an excuse to a Commission officer or the Division Director at least 24 hours prior to the meeting.~~

~~5-5. Removal. Commission members may be removed pursuant to the Oneida Removal Law:~~

~~(a) Failure to attend four (4) regularly scheduled meetings without notice may be~~

Proposed Draft

grounds for removal from the Commission.

(b) Failure to attend fifty percent (50%) of an entity's regular scheduled meetings within a twelve (12) month period for any reason.

(c) Intentional mis-use of Tribal funds,

(d) Alcohol use while performing official responsibilities or use of illegal drugs at any time.

#### ~~Article VI. Procedures on Contested Matters~~

~~6-1. Grievances regarding any land-related transaction shall be resolved in accordance with the Real Property Law and the Administrative Procedures Act.~~

~~(a) Wherever possible and allowed by law, the Director of the Division of Land Management shall first attempt to resolve the matter before submitting the issue to the Commission.~~

~~(b) Upon receipt of notice of a contested matter by the Director of the Division of Land Management, or a special committee thereof, the Commission shall hold or provide for the holding of a hearing in accordance with the Administrative Procedures Act for all cases within its jurisdiction.~~

(a) The frequency and method of communication shall be as agreed upon by the Commission and the liaison, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or the Oneida General Tribal Council.

6-5. Audio Recordings. All open session portions of meetings shall be audio recorded by the Secretary or Secretary's designee with a device provided or approved by the Oneida Business Committee Support Office and sent to the Oneida Business Committee Support Office to maintain in accordance with the Nation's Open Records and Open Meetings law.

(a) Exception. Audio recordings of executive session portions of a Commission meeting shall not be recorded.

#### **Article VII. -Amendments**

7-1. The Commission, upon Amendments. Upon written notice, the Commission may propose amendments to these bylaws for consideration at any regular meeting.

Proposed Draft

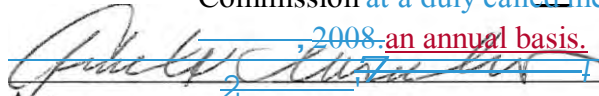
(a) The Commission may only adopt amendments revising, adding ~~to or to~~  
~~or~~ repealing any or all of the  
 foregoing ~~bylaws, provided that the proposed~~ at a subsequent meeting.

(1) Any amendments ~~have been submitted in writing at the previous~~  
~~regular meeting, to these bylaws shall conform to the requirements~~  
of the Boards, Committees and Commissions law and any other  
policy of the Nation.

(2) Such amendments shall thereafter be submitted for review by the  
Legislative Operating Committee and final approval by the Oneida  
Business Committee before implementation.

~~7-2. Updating and Review. At (b) The Commission shall review these bylaws at the~~  
~~first meeting following the election of officers, Officers the~~  
~~Commission shall conduct a review of these bylaws to determine that they remain~~  
~~current.~~

~~These bylaws as amended and revised, were adopted by the Oneida Land~~  
~~Commission at a duly called meeting held, but no less than on the 11th day of (AQU)~~  
~~, 2008, an annual basis.~~

  
 Am

elia Cornelius, Oneida Land Commission, Chairperson

~~And approved by the Oneida Business Committee at a duly called meeting held on the 104th~~  
~~day of Dec.e\, 1,~~  
~~2008-~~



Patricia Hoeft, Tri a Se re ary



Approve the travel report of Councilwoman Jennifer Webster - Tribal Self Governance Advisory Committee

Onida Business Committee Agenda Request

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:

Motion to approve councilwoman Jennifer Webster's travel report for deferral Tribal Self Governance Advisory Committee Mtg in Washington D.C. January 22-25 to April 23 -25, 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/Submitter: Lee Cornelius, BCC recording clerk  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

# BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Jennifer Webster

Travel Event: Tribal Self Governance Advisory Committee Mtg

Travel Location: Washington DC

Departure Date: 01/22/2019 Return Date: 01/25/2019

Projected Cost: Actual Cost: Enter Cost

Date Travel was Approved by OBC: 08/22/2018

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**Narrative/Background:**

I was appointed to the Tribal Self Governance Advisory Committee (TSGAC) in 2018 to cover issues withing the Health Services area.

This meeting was originally scheduled for January 21-25, 2019 but due to the Government shutdown DOI + IHS were unable to meet and that meeting was canceled, and rescheduled to April 23-25, 2019. See attached notice of rescheduled date.

Purpose of this is to close out the dashboard.

**Item(s) Requiring Attention:**

Click here to enter text.

**Requested Action:**

Approve travel report.

**Jennifer A. Webster**

---

**From:** sgac\_tribal@tribalsegov.simplelists.com on behalf of Jay Spaan  
<jays@tribalsegov.org>  
**Sent:** Friday, January 11, 2019 1:00 PM  
**To:** SGAC Tribal ; sgac list; TSGAC Tribal ; TSGAC  
**Cc:** SGCE Board ; Travis Jansen; Mandi Johnson; Snow Tami;  
jmclaughlin@jamestowntribe.org; tbranson@mcn-nsn.gov; 'Cooper, Jennifer (IHS/HQ)';  
Freeman, Sharee  
**Subject:** STATUS OF SGAC AND TSGAC JANUARY MEETING: RESCHEDULED  
**Importance:** High

Greetings,

Given the continued lapse of appropriations for our federal partners at DOI and IHS, the SGCE Board, in coordination with SGAC and TSGAC leaders, decided to reschedule the SGAC and TSGAC meetings currently planned for the week of January 21.

The rescheduled meetings will take place the week of April 22<sup>nd</sup> and will follow this general framework for the agenda:

**Monday, April 22<sup>nd</sup>**- folks that make it to DC in time are invited to join the SGAC workgroup in the late afternoon/early evening for a brief get together—refreshments/dinner will be provided. This will be an abbreviated, informal get together so please do not feel pressured to fly on Sunday in order to attend the meeting.

**Tuesday, April 23<sup>rd</sup>**- SGAC meeting will officially convene at 8:00 am, starting with Tribal caucus from 8:00 - 9:00. Federal partners will join us starting at 9:00am.

**Wednesday, April 24<sup>th</sup>**- SGAC meeting will continue (reconvening at 8:00 am) and concluding at noon.

**Wednesday, April 24<sup>th</sup>**- TSGAC will convene after lunch, starting with Tribal caucus. Federal partners will join us after Tribal caucus.

**Thursday, April 25<sup>th</sup>**- TSGAC meeting will continue and conclude at 5:00.

SGCE is working with the hotel to move over our room block. We will let you know when the new room block is established so you can change/make reservations for the new dates.

Lastly, we will explore options to convene conference calls for TSGAC and SGAC in February to discuss any urgent matters we need to address prior to the April meeting. We will also try to find some time for workgroup members that are able to join us at the 2019 Self-Governance Conference in Traverse City, MI, to have a brief get together in advance of the April SGAC/TSGAC meetings.

Thank you for your patience as we evaluated our options and we apologize for any inconvenience! For official Advisory committee and workgroup members eligible for travel reimbursement, we will send out additional information this afternoon.

Feel free to email or call with any questions or concerns.

Approve the travel report of Councilwoman Jennifer Webster - Tribal Self Governance Advisory Committee

**Oneida Business Committee Agenda Request**

**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:

Motion to approve councilwoman Jennifer Webster's travel report of the Tribal Self Governance Advisory Committee Mtg in Washington D.C. April 23 -25, 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/Submitter:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Jennifer Webster  
**Travel Event:** Tribal Self Governance Advisory Committee Mtg  
**Travel Location:** Washington DC  
**Departure Date:** 04/23/2019 **Return Date:** 04/25/2019  
**Projected Cost:** \$1752.00 **Actual Cost:** \$2203.95  
**Date Travel was Approved by OBC:** 08/22/2018

## Narrative/Background:

I was appointed to the Tribal Self Governance Advisory Committee (TSGAC) in 2018 to cover issues withing the Health Services area.

This meeting was originally scheduled for January 21-25, 2019 but due to the Government shutdown DOI + IHS were unable to meet and that meeting was canceled.

Items discussed at this meeting include:

Accounting of the 105 (L) leasing funds + request for separate funding increases for FY19 lease needs.

HIS should proved technical assistance to the Department of Justice regarding protection of the Federal Trust Responsibility in the Texas v. US case.

Advanced Appropriations

Provide Support to HHS for Title VI Expansion

Utilizing the "Broken Promises" Report to develop budget priorities

Sanitation facilities construction and Sanitation Deficiency System Draft Guidance

Agency Lead Negotiator (ALN) Designation and Training

Presidential Task Force to Protect Native Children in HIS

I have included the agenda as well, along with additional information regarding Advance Appropriations

Please note that travel is reimbursed by: TSGAC

**Item(s) Requiring Attention:**

Click here to enter text.

**Requested Action:**

Approve travel report.



**IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE**

c/o Self-Governance Communication and Education  
P.O. Box 1734, McAlester, OK 74501  
Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: [www.Tribalselfgov.org](http://www.Tribalselfgov.org)

**INDIAN HEALTH SERVICE TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE  
AND TECHNICAL WORKGROUP QUARTERLY MEETING**  
**Wednesday, April 24, 2019 (1:00 pm to 5:00 pm)**  
**Thursday, April 25, 2019 (8:30 am to 5:00 pm)**

**Embassy Suites Washington DC - DC Convention Center**  
900-10<sup>th</sup> Street NW  
Washington, DC 20001  
Phone: (202) 739-2001

**AGENDA**

**Wednesday, April 24, 2019 (1:00 pm to 5:00 pm)**  
**Meeting of IHS Tribal Self-Governance Advisory Committee (TSGAC)**

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- 1:00 pm     **Tribal Caucus**  
*Facilitated by: Marilyn "Lynn" Malerba, Chief, Mohegan Tribe, and  
Chairwoman, Indian Health Service (IHS) Tribal Self-Governance Advisory  
Committee (TSGAC)*
- 2:00 pm     **Meeting Called to Order**  
**Welcome**  
**Invocation**  
**Roll Call**  
**Introductions – All Participants & Invited Guests**
- 2:15 pm     **TSGAC Opening Remarks**  
*Marilyn "Lynn" Malerba, Chief, Mohegan Tribe, and Chairwoman, IHS TSGAC  
RADM Michael D. Weahkee, Principal Deputy Director, IHS (Invited)*
- 2:30 pm     **TSGAC Committee Business**
  - Approval of Meeting Summary (October 2018)
  - Review of National Self-Governance Strategic Plan
- 2:45 pm     **Office of Tribal Self-Governance Update**  
*Jennifer Cooper, Director, Office of Tribal Self-Governance, IHS*
- 3:15 pm     **Patient Protection and Affordable Care Act (ACA) Implementation Update**  
*Doneg McDonough, Consultant, TSGAC*
  - Summary of ACA/IHCA Survey Results, including: (a) impact of  
ACA/IHCA on Tribes and Tribal health programs; and (b) Tribal  
preferences for ACA/IHCA Training and Technical Assistance
  - Review of 2019 National ACA/IHCA Outreach and Education Work Plan
- 3:45 pm     **Office of Information Technology Update (OIT)**  
*Mitchell Thornbrough, Acting Director, Office of Information Technology, IHS  
(Invited)*
-

- ISAC Workgroup Update and New Charter
- HIT Modernization Contractor Timeline and Work Update

4:30 pm      **Recent Efforts and Discussion regarding Re-Vitalization of the ICNAA**  
*Jeannie Hovland, Deputy Assistant Secretary, Native American Affairs,  
Commissioner, Administration for Native Americans and Co-Chair,  
<Intradepartmental Council on Native American Affairs> U.S. Department of Health  
and Human Services (invited)*  
*RADM Michael D. Weahkee, Principal Deputy Director, IHS*

5:00 pm      **Recess until April 25, 2019**

**Thursday, April 25, 2019 (8:30 am – 5:00 pm)**  
**Meeting of IHS Tribal Self-Governance Advisory Committee (TSGAC) and Technical  
Workgroup with RADM Michael D. Weahkee, Principal Deputy Director, IHS**

8:30 am      **Welcome and Introductions**  
*Marilynn "Lynn" Malerba, Chief, Mohegan Tribe, and Chairwoman, IHS TSGAC*  
*RADM Michael D. Weahkee, Principal Deputy Director, IHS (Invited)*

8:45 am      **Legislative Update**  
*Stacy Bohlen, Chief Executive Officer, National Indian Health Board (Invited)*

- Fiscal Year 2019 Appropriations
- Changes in Congressional Leadership
- House of Representatives IHS Task Force Update

9:10 am      **Indian Health Service Budget Update**  
*Ann Church, Acting Director, Office of Finance and Accounting, IHS (Invited)*  
*Melanie Fourkiller, Policy Analyst, Choctaw Nation*

- Fiscal Year 2019 Appropriations
- Fiscal Year 2021 Budget Formulation
- Indian Health Care Improvement Fund Update

9:55 am      **Department of Veteran's Affairs (VA) – Office of Community Care**  
*TBD – awaiting responses from the VA*

- Proposed changes to the Community Care Network Agreements
- Progress on inclusion of Purchased/Referred Care reimbursement
- Tribal Workgroup

10:30 am      **National Tribal Advisory Committee on Behavioral Health**

- Recommendations to the IHS Principal Deputy Director

11:00 am      **Joint TSGAC and IHS Principal Deputy Director Discussion**

- Contract Support Cost Policy – status of pending decision
- Behavioral Health Grants Tribal Consultation – status
- Pharmacy Benefits Management (PBM) Claims Update
- FY2018 and FY2019 105(l) Leasing Update
- HHS/IHS Tribal Consultation Changes

IHS TSGAC & Technical Workgroup Quarterly Meeting  
April 24-25, 2019 – AGENDA

Page 3

- Technical Assistance to DOJ re: Texas v US
- PRC Chapter Changes
- SFC/SDS Issues
- Other Issues

- 12:00 pm     **Lunch - TSGAC Members' Executive Session with IHS Principal Deputy Director**
- 1:00 pm     **Joint TSGAC and IHS Principal Deputy Director Discussion (Continued)**
- 3:45 pm     **Closing Remarks**  
*Marilynn "Lynn" Malerba, Chief, Mohegan Tribe, and Chairwoman, IHS TSGAC*  
*RADM Michael D. Weahkee, Principal Deputy Director, IHS*
- 4:00 pm     **TSGAC Technical Workgroup Session**
  - Assignments and follow up
- 5:00 pm     **Adjourn TSGAC Meeting**



## Advance Appropriations





Recent uncertainties in the appropriations process caused by partisan policy differences have created an environment that has left some of our nation's most underserved citizens in precarious situations. The historical partial government shutdown experienced in 2019 which lasted 35 days severely limited governmental services provided to American Indian and Alaska Native people. Such delays contribute significantly to the challenges the Tribal Nations face when they seek to provide services to Tribal communities. For nearly two decades, there has been only one year when the Interior, Environment, and Related Agencies budget, which contains the funding for IHS and BIA, has been enacted by the beginning of the fiscal year.

Funding delays make it very difficult for Tribal health providers to address the needs of their communities adequately. This problem is exacerbated when there is a lapse in appropriations and Tribes must rely on reserves or find alternate sources to finance federal programs. Congress can address this problem by authorizing advance appropriations for Indian programs. Advance appropriations are not a new concept. The Departments of Education, Housing and Urban Development, Labor, and Veterans Affairs currently have advance appropriations authority.

Below is a list of advance appropriations legislation that has been introduced so far in the 116<sup>th</sup> Congress:

H.R. 1128, the Indian Programs Advance Appropriations Act  
H.R. 1135, the Indian Health Service Advance Appropriations Act  
S. 229, the Indian Programs Advance Appropriations Act

Tribes should support and encourage Congress to enact the legislation listed above that would further efforts to:

-  Provide agencies authority to spend a certain amount of one or more fiscal years following the fiscal year for which the appropriations are provided
-  Mitigate the effects of Budget uncertainty created by continuing resolutions and government shutdowns
-  Ensure the continuity of services during shutdowns delivered by tribal and federal employees employed in law enforcement, health care, education, and other essential services provided to Indian Country
-  Aspire to fulfill the trust and treaty responsibilities to Indian Country during a shutdown or other forms of political impasse.

Approve the travel report for the American Indian Tourism Conference - Tulsa, OK

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 9 / 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:

To accept the travel report for the American Indian Tourism Conference (AITC) September 15th -19th, 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/Submitter:

\_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Kirby Metoxen

**Travel Event:** American Indian Tourism Conference (AITC)

**Travel Location:** Tulsa, Oklahoma

**Departure Date:** 09/15/2019      **Return Date:** 09/19/2019

**Projected Cost:** \$1,984.64      **Actual Cost:** \$1944.06

**Date Travel was Approved by OBC:** 08/14/2019

## Narrative/Background:

I attended the 21<sup>st</sup> annual American Indian Tourism Conference (AITC). The American Indian Tourism Conference (AITC) is the only national conference on tourism in Indian Country. The conference is designed to share resources, opportunities and initiatives to tribal programs. At the conference I was sworn into the American Alaska Native Tourism Association's (AIANTA) Board of Directors, representing the Midwest Region (Please see attached welcome letter).

During the conference I attend many sessions and the following are some of the highlights:

### **Driving Tourism Through Cultural Centers**

Tribes across the nation are investing millions of dollars into stunning new cultural centers, with nearly a half billion dollars' worth of inventory currently under construction. While these centers are a key component to perpetuating tribal culture, they also serve as hybrid visitor centers and museums, where travelers can experience language, cuisine, heritage and hands-on activities. Representatives from some of the newest facilities spoke about the importance of considering the visitor experience when developing cultural programming.

**Keynote Speech: Empowering Tribal Nations to Build Sustainable Economies: The Role of Federal Policy;** Speaker Jefferson Keel, President, National Congress of American Indians (NCAI)

In his keynote address, NCAI President Jefferson Keel (Chickasaw) provided an update on the key federal policy priorities that NCAI is advancing through its advocacy with Congress and the Administration.



President Keel demonstrated how key pieces of legislation and changes to existing policies can enhance the ability of tribal nations to build sustainable economies through the development and growth of businesses that they and their citizens own, including those in tourism-based industries.

#### **Amplifying Tribal Voices through Regional Marketing**

The states of Arizona, Hawaii, Montana, Nevada, North Dakota and Wisconsin (Oneida-Apache Danforth) all celebrate Native voices in their tourism marketing efforts. Although each state follows a different model, each has a dedicated employee, division, alliance or association focused on spreading the message about tribal cultures in tourism. The hospitality professionals leading these efforts provide tribal tourism enterprises access to much-needed networking and local educational opportunities, while also helping them extend their internal marketing efforts.

#### **The Asterisk Nation: The Importance of Data Collection**

According to U.S. Census data, the growth in Native American-owned hospitality and tourism businesses over the past decade has far outpaced the overall growth in all Native American-owned businesses. To fully demonstrate the economic importance of tourism to federal and regional representatives, Indian Country must find a way to measure itself by similar standards. The panel discussed the importance of data collection as well as approaches in addressing the unique challenges in measuring Indian Country tourism performance.

#### **The Strategy of Familiarization Tours**

Familiarization (fam) tours are an important component of any destination marketing program. We identified strategies on which themes best attract travel media and/or tour operators and learned how to work with your community to identify potential hosts and ensure community readiness.

#### **Tribal Agritourism Development**

We learned how to develop a tribal agricultural program as a tool for food sovereignty that can lead to further economic development by including agritourism elements. We Learned about what is being done to grow tribal agriculture tourism programs and how tribes are benefiting from developing, growing and enhancing their agricultural businesses.

#### **Item(s) Requiring Attention:**

Click here to enter text.

#### **Requested Action:**

Motion to approve travel report for the American Indian Tourism Conference (AITC) September 15<sup>th</sup>-19<sup>th</sup>, 2019.



September 27, 2019

Kirby Metoxen, Councilman  
Oneida Nation  
235 Valley Dr.  
Oneida, Wisconsin 54155

Re: Welcome Letter

Dear Kirby,

I am writing to welcome you to the American Indian Alaska Native Tourism Association's (AIANTA) Board of Directors, representing the Midwest Region.

We are very pleased to have you as part of our fourteen-member Native-led Board of Directors. You are one of two representatives from the Midwest region. As you are preparing to fulfill your role as a board member for AIANTA, please take the time to review your board binder materials (provided previously as part of your first board meeting at the American Indian Tourism Conference).

As a new Board Member, you will be asked to participate in monthly board meetings (held on the fourth Thursday of the month at 2:00 pm Mtn) and to participate in monthly External Affairs Committee meetings (held on the second Tuesday of the month at 2:00 pm Mtn). Additional meeting participation and subcommittees will be discussed with updated assignments at our Board Retreat in January 2020. At upcoming board meetings and at the January retreat, we will be introducing you to your fellow board members and to staff.

We look forward to working with you and welcome your expertise and valuable contribution to serving AIANTA's mission to define, introduce, grow and sustain American Indian, Alaska Native and Native Hawaiian tourism that honors traditions and values. As you are going through your materials please feel free to call me at 505.209.2488 or email at [srupert@aianta.org](mailto:srupert@aianta.org) with any questions.

Warm Regards,

Sherry L. Rupert, Executive Director  
American Indian Alaska Native Tourism Association

Approve the travel report - Treasurer Trish King - Treasury Tribal Advisory Committee meeting &amp;...

# BUSINESS COMMITTEE

## TRAVEL REPORT



Travel Report for:

Trish King

Enter name(s) of other  
Travelers OR [SPACE BAR] to  
deleteEnter name(s) of other  
Travelers OR [SPACE BAR] to  
deleteEnter name(s) of other  
Travelers OR [SPACE BAR] to  
delete

Travel Event:

Treasury Tribal Advisory Committee / SEOTS Meeting

Travel Location:

Washington DC

Departure Date:

09/17/2019

Return Date:

09/18/2019

Projected Cost:

\$0.00

Actual Cost:

\$129.04

Date Travel was Approved by OBC:

07/24/2019

### Narrative/Background:

The Treasury Tribal Advisory Committee (TTAC) met on September 17, 2019, through September 19, 2019. The following highlights are accomplishments of TTAC:

- TTAC adopted our bylaws, submitted them to Department of Treasury for approval
- TTAC members are allowed one technical advisor, which must be vetted by TTAC and then notice is sent to the Treasury; technical advisor's qualifications were deferred to the Treasury. However, TTAC may request the Treasury to contract with a specific advisor; \$3,000 is budgeted for this service.
- TTAC approved Native American Finance Officers Association (NAFOA) as our administrative team
- Three (3) subcommittees were formed - TTAC Chair will advocate for all TTAC sub-committees and each subcommittee can have two TTAC members; there can be up to five (5) more subcommittee members who are willing to volunteer their time. Announcements were made at a public meeting; other notices will be sent out as soon as the subcommittees become organized and qualifications identified
- I have been assigned to the Pensions and Parity sub-committee; Eugene Magnuson is Chair. The focus of Pensions and Parity will be related to Employee Retirement Income Security Act, (ERISA). Our sub-committee will undoubtedly have to identify issues and suggest legislative changes through proper legislative channels

- General Welfare Exclusion is another subcommittee; which will be chaired by Ron Allen and Sharon Edenfield. All TTAC members will be kept informed regularly as this is our main responsibility
- Dual taxation sub-committee will be led by Chief Lynn Malerba and Rebecca Benally. Regular updates will be scheduled for each Subcommittee and reports given at each TTAC meeting
- Chairwoman Horn informed the public that we will be looking for technical advisors and subcommittee members

The next TTAC meeting will be December 2-3, 2019; Department of Treasury, Washington, DC. All travel expenses are paid for by T.T.AC.

In addition, I was invited, by Pace LLP, to a fundraiser for Congressman Mike Thompson, (Democrat). Congressman Thompson is Chair of the Select Revenue Measures Subcommittee within the House Committee on Ways and Means. Congressman Richie Neal is Chairman of Ways and Means Committee. Congressman Neal has promised to sponsor a public hearing, sometime in November, on Native American Taxation. This will be a good time to address all TTAC issues as well as other taxation issues the Oneida Nation would like to provide testimony. This turnaround for developing testimony will be quick; I will work with Legislative Affairs Director to begin drafting Testimony.

On my return flight from Washington DC, I landed in Milwaukee and met with the SEOTS Board. The focus of meeting with the SEOTS board was to enhance their understanding of the triennial (3-year) planning process and budget development.

**Item(s) Requiring Attention:**

[Click here to enter text.](#)

**Requested Action:**

Accept Travel Report

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## Treasury Tribal Advisory Committee Adopts Bylaws, Forms Subcommittees, Continues Mandate for Indian Country



Treasurer Patricia King (Oneida Nation) explains origin of funds and General Welfare Programs to the TTAC. From left to right: Mohegan Tribe Chief Lynn Malerba, Treasurer Patricia King (Oneida Nation), TTAC Vice Chairman Eugene Magnuson (Pokagon Band of Potawatomi Indians), TTAC Chairwoman Lacey Horn (Cherokee Nation), and Designated Federal Officer Krishna Vallabhaneni.





**Washington D.C.**—The Treasury Tribal Advisory Committee (TTAC) held its second meeting on September 18, 2019 at the U.S. Department of the Treasury in Washington, D.C.

All seven members of the TTAC were present and actively discussed the priority issues within the committee's purview. Key federal partners from various offices within Treasury and the Internal Revenue Service were represented at the meeting. The majority of the meeting was focused on the Tribal General Welfare Exclusion Act and its statutory mandates for the committee and other taxation items more broadly. As the lead supporting organization, NAFOA is actively helping with administrative and organizational items including drafting of the [proposed TTAC bylaws](#) and policy issue matrix.

As a follow up from the inaugural meeting, the preliminary working groups on General Welfare Exclusion, Dual Taxation, and Tribal Pensions/Parity were officially motioned and approved for inclusion as formal subcommittees. The TTAC reserved the right to create additional subcommittees as needed.

## Background for the TTAC

The [Tribal General Welfare Exclusion Act of 2014 \(P.L. 113-168\)](#) was signed into law by the President in September 2014 and required the establishment of a seven-member TTAC. The committee members have a broad mandate to "advise the Secretary on matters relating to the taxation of Indians." Among the duties, the TTAC helps establish training and education programs for Internal Revenue Service field agents who work with tribal governments and tribal finance professionals. NAFOA serves as the lead supporting organization for the TTAC.

A copy of the meeting minutes from the second TTAC meeting will be made available to the public through the [Department of the Treasury Tribal Affairs Page](#) and [NAFOA's TTAC page](#). The [meeting minutes from the First Meeting are here](#).

## Resources

- [Federal Register Announcement](#)
- [Tribal General Welfare Exclusion Act of 2014](#)
- [Department of Treasury Tribal Affairs Page](#)
- [NAFOA TTAC Webpage](#)

## Minutes:

- [First TTAC Meeting Minutes](#)
- [Proposed Bylaws](#)

*"Hard work does pay off. Sooner or later but it does. At today's Treasury Tribal Advisory Committee (TTAC) Public Meeting at the U.S. Department of Treasury Building the following Subcommittees were formed:*



- *General Welfare Exclusion Subcommittee*
- *Dual Taxation Subcommittee*
- *Tribal Pensions Subcommittee*

*Today, all TTAC members will start an adventure by stepping out of our comfort zones and breaking from the monotony of what is expected. It means soliciting feedback and consultation from all Tribal Nations that will only strengthen our Sovereignty and create tax parity for all."*

— Eugene Magnuson, Vice-Chairman, TTAC

---

## **TTAC Meeting Summary**

### **Charter:**

The first order of business of the TTAC was to suggest the Treasury Department amend the TTAC Charter to reflect June 20, 2019 as the official commencement date for the staggered appointments. **Vice-Chairman Eugene Magnuson** motioned to suggest an amendment to the TTAC Charter. **Councilwoman Sharon Edenfield** seconded the motion. The motion carried unanimously.

### **Bylaws Approved:**

The second order of business was the approval of the proposed TTAC Bylaws. **Rebecca Benally** motioned to approve the drafted bylaws. **Chief Lynn Malerba** seconded the motion. The motion carried unanimously. The bylaws are pending further review by Treasury.

### **Public Comments Received:**

The TTAC received multiple comment letters that were acknowledged and submitted for the record. The Santa Ynez Chumash Indians submitted a public comment letter that focused on the safe harbor for the use of casino net revenues for GWE. Sam Cohen, Government Affairs and Legal Officer, provided oral comments to the same. The Lummi Indian Business Council and the Prairie Band Potawatomi Nation both submitted comments which were similar in nature that comments on the TTAC Operating Procedures and Bylaws. Oral comments and public comment letters were submitted by delegates from the Oglala Lakota Nation on behalf of Chairman Julian Bear Runner and the Great Plains Tribal Chairman's Association requesting support from the TTAC to preserve current IRS offices in Rapid City that benefit all of the Great Plains tribal nations who may not have the resources to travel further distances for their services. Christie Jacobs, Director, Indian Tribal Governments/Tax Exempt Bonds at the IRS, received the letter and provided it to the IRS Commissioners Office.

Jackson Brossy, Executive Director of the Native CDFI Network, gave oral statements concerning resource allocation to Native CDEs and other tax incentives including New Market Tax Credits for continued viability. Clint Hastings, Senior Portfolio Manager, CDFI Fund responded to the comments and encouraged participation at the advisory board meetings to raise the issues further. A representative from the Absentee Shawnee Tribe of Oklahoma addressed the TTAC. **Chairwoman Horn** read and acknowledged NCAI Resolutions: #SD-15-036 Support for Tribal Tax Reform and Setting Tax Policy Priorities and #MOH-17-019 Requesting Agencies to Comply with the Tribal General Welfare Exclusion Act, PL 113-168, by Recognizing the Treatment of Income for Purposes of Benefit Eligibility. All of the public comments and oral statements will be made available in the future subject to accessibility considerations from the Treasury Department.

### **NAFOA to Develop Priority Policy and Issues Matrix:**

The third order of business concerned the development of a priority and issues matrix by NAFOA to include: a discussion of issues, proposed solutions, action items, and updates as the TTAC moves forwards. NAFOA will seek input from other intertribal organizations as they develop these items. **Chief Lynn Malerba** motioned to charge NAFOA with the development of the priority and issues matrix. **Vice Chairman Eugene Magnuson** seconded the motion. The motion carried unanimously.

### **Implementation of TGWEA:**

The majority of the discussion focused on the implementation of the statutory mandates from the TGWEA on the key issues surrounding the definition of *lavish and extravagant* and the training of IRS and tribal finance professionals. The TTAC and federal partners agreed that before training can happen there needs to be tribal consultation on these items in tandem with the TTAC work to address the wide-ranging and broad determinations of culture, ceremony, and tradition from each tribal nation.

In addition, **Vice-Chairman Eugene Magnuson** and **Councilwoman Sharon Edenfield** continued the conversation on the moratorium of audits while regulations are being developed and the disconnect in certain individual Indian audits. Christie Jacobs from IRS responded on the automatic nature of the mismatch of reported information and encourages those affected to contact her office to begin working on solutions.

One salient item that all TTAC members shared was the importance to recognize that the origin of funds for General Welfare Programs should not be considered in the determination of eligible funds. This is for the reason that tribal nations across the United States were forced to develop economic development vehicles to raise capital to fund government services and provide services to their citizens precisely because the federal government did not live up to its trust and treaty obligations.

To follow the points being discussed in the meeting, **DFO Vallabhaneni** went further to quote the TGWEA, *“Ambiguities in section 139E of such Code [Internal Revenue Code of 1986], as added by this Act, shall be resolved in favor of Indian tribal governments and deference shall be given to Indian tribal governments for the programs administered and authorized by the tribe to benefit the general welfare of the tribal community.”*

### **Call for Indian Country Experts to Volunteer on Subcommittees:**

The fourth order of business was to motion for a call to Indian Country for experts to serve on TTAC subcommittees. **Chief Lynn Malerba** motioned. **Chairman Ron Allen** seconded. The motion carried unanimously.

### **Subcommittees Established:**

The fifth order of businesses was to formally establish three subcommittees on **General Welfare Exclusion, Dual Taxation, and Tribal Pensions**.

- **General Welfare Exclusion:**  
*Chairman Ron Allen and Councilwoman Sharon Edenfield*
- **Dual Taxation:**  
*Chief Lynn Malerba and Rebecca Benally*
- **Tribal Pensions:**  
*Vice-Chairman Eugene Magnuson and Treasurer Patricia “Trish” King*

All motions for each nomination was seconded and passed unanimously.

### **Other Items:**

**Councilwoman Sharon Edenfield** discussed the Kiddie Tax and to request a forum with the Social Security Administration at a future date to discuss impacts of general welfare programs on eligibility for certain benefits. Treasury partners outlined upcoming consultation on October 8, 2019 regarding the Income Tax Treatment of Corporations Chartered under Tribal Law at NAFOA's Fall Finance and Tribal Economies Conference. Other consultations will be shared via the [Treasury Tribal Affairs website](#).

NAFOA is pleased to continue working with the TTAC and coordinating with other national and regional tribal organizations to further our common goal of making tax policy and programs work for Indian Country. To provide comments directly to the TTAC you can contact [TTAC@treasury.gov](mailto:TTAC@treasury.gov).

### **Next Meeting:**

The next meeting of the TTAC will take place on December 3, 2019 at the U.S. Department of the Treasury at 1500 Pennsylvania Avenue NW, Washington D.C. Registration will be sent out as it is available.

**For any other questions or concerns**, please contact Emery Real Bird at [emery@nafoa.org](mailto:emery@nafoa.org) or (202) 945-7750.



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**Oneida Business Committee Agenda Request****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:**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:**

Pursuant to Section 3 of the Tribal General Welfare Exclusion Act of 2014, Pub. L. 113-68, and in accordance with the provisions of the FACA, the TTAC was established on February 10, 2015. This seven member Tribal advisory committee advises the Secretary on significant matters related to the taxation of Indians, the training of Internal Revenue Service field agents, and the provisions of training and technical assistance to Native American financial officers. The membership has three appointees nominated by the Secretary, two appointed by the House Committee on Ways and Means and two nominated by the Senate Committee on Finance

**Requested Motion:**

Accept Travel report which includes meeting with the Southeastern Oneida Tribal advisory board

- 1) Save a copy of this form for your records.
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- 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 Travel Request**

Approve the travel request - Secretary Lisa Summers - 8th Annual Partners in Action Conference - St....

**1. OBC Meeting Date Requested:** 10 / 09 / 19 ☐ e-poll requested**2. General Information:**Event Name: 8th Annual Partners in Action ConferenceEvent Location: St. Paul, MN Attendee(s): Lisa SummersDeparture Date: Nov 4, 2019 Attendee(s): Return Date: Nov 7, 2019 Attendee(s): **3. Budget Information:**☒ Funds available in individual travel budget(s)☐ Unbudgeted☐ Grant Funded or ReimbursedCost Estimate: \$660.00**4. Justification:**

Describe the justification of this Travel Request:

Please see attached.**5. Submission**Sponsor: Lisa Summers, Secretary

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## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Midwest Regional Office

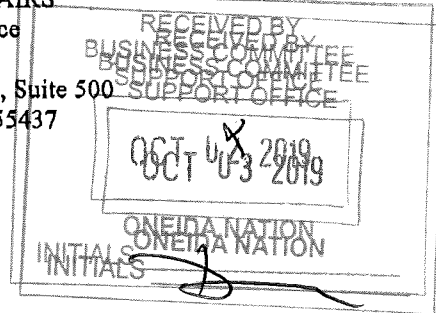
Norman Pointe II

5600 West American Boulevard, Suite 500

Bloomington, Minnesota 55437

IN REPLY REFER TO:  
Executive Direction

OCT - 2 2019



Dear Tribal Leader:

I am pleased to invite you to participate in the Bureau of Indian Affairs, Midwest Region's **8<sup>th</sup> Annual Partners in Action (PIA) Conference**, co-hosted by the Mille Lacs Band of Ojibwe Indians, to be held November 5 – 7, 2019 at the InterContinental Saint Paul Riverfront, Saint Paul, Minnesota.

The Partners in Action Conference is the Midwest Region's premier event that provides tribal elected officials and staff with the opportunity to exchange ideas and experiences, attend informative workshops and trainings, and receive updates from senior federal officials. This year's theme "The Power of Partnership" will capitalize on collaborative successes while focusing on current challenges and opportunities facing Tribes. The agenda is currently under development and I welcome your Tribe's suggestions on topics and, if preferable, providing the opportunity for your Tribe to present on a topic common to Tribes within the Midwest Region. Please see the enclosed for a list of current agenda topics.

Since we anticipate this year's event will break past attendance records, I encourage you to register and make your hotel arrangements as soon as possible. For more information on the conference, registration, lodging and draft agenda please visit: <https://www.bia.gov/regional-offices/midwest>

If you have questions about the 2019 PIA please contact Jason Oberle, Superintendent – Michigan Agency, at 906-632-6809, extension 3111. We look forward to seeing you at the conference.

Sincerely,

Regional Director

Enclosure

**Attachment A**

**PARTNER'S IN ACTION 2019**

November 5 – 7, 2019

InterContinental, St. Paul, Minnesota

Bureau of Indian Affairs, Midwest Region's 8th Annual **Partners In Action** (PIA) Conference, co-hosted by the Mille Lacs Band of Ojibwe Indians, to be held at the Saint Paul Riverfront, Saint Paul, Minnesota. This year's PIA theme is "The Power of Partnerships" and will focus on the Department of Interior's 2018-2022 Strategic Plan's **MISSION AREA 4 - Fulfilling Our Trust and Insular Responsibilities**.

Topics for training, panel discussions and information for this year's conference include\*:

- Updates from the Office of the Assistant Secretary of Indian Affairs, and Bureau of Indian Affairs Directors Office
- Indian Gaming
- Energy & Mineral Development In Indian Country, "IA"-Division of Energy & Mineral Development
- Opioids in Indian Country
- Missing and Murdered Indigenous Women Coalition
- Tribal Response to Sex Trafficking
- Overview of Probate & Estate Services
- Fee to Trust Process
- Fee to trust-Tribal Perspective
- Rights of Way
- Land Appraisals
- Recording Requirements - Lands Title, Records Office
- Bureau of Land Management- CIPS / LDRs
- Forestry Program Update
- Great Lakes Restoration Initiative (GLRI) Tribal Forum
- National BIA Wildfire Prevention Training
- National Historic Preservation Act and Cultural Resources
- BIA History
- Budget 101
- Indian Roads and Transportation

\* Tentative agenda topics. Registration, Agenda and lodging information can be accessed on the BIA Midwest Region's Website at the following link:

<https://www.bia.gov/regional-offices/midwest>

**Oneida Business Committee Travel Request**

Approve the travel request - Secretary Lisa Summers - 2019 Midwest Alliance of Sovereign Tribes Fall...

**1. OBC Meeting Date Requested:** 10 / 09 / 19 ☐ e-poll requested**2. General Information:**Event Name: 2019 Midwest Alliance of Sovereign Tribes Fall MeetingEvent Location: St. Paul, MN Attendee(s): Lisa SummersDeparture Date: Nov 7, 2019 Attendee(s): Return Date: Nov 8, 2019 Attendee(s): **3. Budget Information:**☒ Funds available in individual travel budget(s)☐ Unbudgeted☐ Grant Funded or ReimbursedCost Estimate: \$570.00**4. Justification:**

Describe the justification of this Travel Request:

Please see attached.

**5. Submission**Sponsor: Lisa Summers, Secretary

- 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.
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**MIDWEST ALLIANCE OF SOVEREIGN TRIBES**

P.O. Box 265  
Gresham, WI 54128  
Ph: 715-853-4001

**MAST FALL MEETING**  
**November 7<sup>th</sup> & November 8<sup>th</sup>, 2019**

HOSTED BY:

**FOND DU LAC BAND  
OF  
LAKE SUPERIOR CHIPPEWA****Black Bear Casino & Resort**

1785 Highway 210 – P.O. Box 210  
Carlton, MN 55718-0777

**Make your hotel reservations now by calling: 1-888-771-0777 & ask  
for MAST block of rooms: Room Rate \$ 63.20 (Wed/Thur) Fri-\$100**

Registration form

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Tribe/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Contact Person:  
E-Mail:

Fee

The cost of the  
registration  
will be \$100.00 per  
person.

Please get your  
registration  
in early so we can  
plan accordingly,  
thank you.

Method of Payment: ( ) Check enclosed ( ) Cash in Hand

Please make checks payable to: MAST

Return registration form and payment to:

MAST  
P.O. Box 265  
Gresham, WI 54128-0265

- Closest airport DLH - Duluth, MN – Call 24 Hr Notice and free shuttle service
- Meeting starts at noon on the 7<sup>th</sup> and ends at noon on the 8<sup>th</sup>

# MIDWEST ALLIANCE OF SOVEREIGN TRIBES FALL MEETING AGENDA

November 7<sup>th</sup> & 8<sup>th</sup>, 2019

## Fond du Lac Band of Lake Superior Chippewa Black Bear Casino & Resort

1785 Highway 210 – P.O. Box 210

Carlton, MN 55718-0777

1-888-771-0777

Thursday November 7<sup>th</sup>, 2019

11:00 a.m. till 1:00 pm - Registration Entrance to – Otter Creek Hall

11:45 till 12:45– Lunch – **Provided & Sponsored by Fond du Lac Band of Lake Superior Chippewa** – Otter Creek Hall

1:00 pm – MAST GENERAL ASSEMBLY – OTTER CREEK HALL

Call to Order – President Frank Cloutier

Opening Prayer –

Opening Remarks & Welcoming – Chairman Kevin DuPuis Fond du Lac of Lake Superior Chippewa

Roll Call – Secretary Shannon Holsey –President Mohican Nation

Additions & Adopt Agenda

Executive Board Comments – Treasurer – Chief Executive Melanie Benjamin Mille Lacs

Secretary – President Shannon Holsey Mohican Nation

Vice-President – Chairman Aaron Payment Sault Ste. Marie

### Tentative Issues & Speakers

**Coffee for the day sponsored by:**

1:30 p.m.	Tribal Leaders Round Table Discussion
2:00 p.m.	Assistant Secretary Tara Sweeny – Bureau of Indian Affairs - Confirmed
3:30 p.m.	Break
3:45 p.m.	Medicare Like Rates for Non PRC eligible employees- Randy Samuelson/Ben Butler
4:00 p.m.	Sober Squad Introduction and Presentation
4:30 p.m.	Mr. Brian Hudson USDA – Mr. Eric Burg USDA - Funding Opportunities
5:00 p.m.	
6:30 p.m.	Dinner Sponsored by- Baker Tilly Mr. Bill Cornelius
7:00 p.m.	Entertainment –

**Sponsored by:**

Friday November 8<sup>th</sup>, 2019

**Coffee for the day sponsored by:**

7:00 a.m. - 8:00 a.m.	Breakfast –	– Otter Creek Hall	<b>Sponsored by:</b>
8:00 a.m.	Tribal Leaders Round Table Discussion/Resolution Approval		
8:30 a.m.	Honorable Congressman Pete Stauber - Invited		
9:00 a.m.	Senator Tina Smith MN - Invited		
10:00 a.m.	Chairwoman Phyllis Davis Great Lakes Regional Health Board Report		
10:30 a.m.	Break		
10:45 a.m.			
11:15 a.m.			
Noon	Lunch		<b>Sponsored by:</b>

Meeting Adjourned



Enter the e-poll results into the record regarding the approve travel request - Chairman Tehassi Hill and...

## Business Committee Agenda Request

1. Meeting Date Requested: 10/09/19

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: E-poll results; E-poll request; original supporting documents

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: TSCHUMAN

---

**From:** TribalSecretary  
**Sent:** Tuesday, October 01, 2019 1:44 PM  
**To:** TribalSecretary; Brandon L. Yellowbird-Stevens; Daniel P. Guzman; David P. Jordan; Ernest L. Stevens; Jennifer A. Webster; Kirby W. Metoxen; Lisa M. Summers; Patricia M. King; Tehassi Tasi Hill  
**Cc:** BC\_Agenda\_Requests; Brian A. Doxtator; Danelle A. Wilson; Fawn J. Billie; Jameson J. Wilson; Jessica L. Wallenfang; Laura E. Laitinen-Warren; Leyne C. Orosco; Rhiannon R. Metoxen; Rosa J. Laster  
**Subject:** E-POLL RESULTS: Approve the travel request - Chairman Tehassi Hill and Vice-Chairman Brandon Stevens - Democratic Presidential Primary Debate - Westerville, OH - October 15-16, 2019  
**Attachments:** BCTR Approve the travel request - TH BYS - Democratic Presidential Primary Debate - Westerville, OH - October 15-16, 2019.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### E-POLL RESULTS

The e-poll to approve the travel request for Chairman Tehassi Hill and Vice-Chairman Brandon Stevens to attend the Democratic Presidential Primary Debate in Westerville, OH - October 15-16, 2019, **has carried**. As of the deadline, below are the results:

Support: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Lisa Summers, Jennifer Webster

Lisa Liggins  
Information Management Specialist  
Business Committee Support Office (BCSO)



P.O. Box 365  
Oneida, WI 54155-0365  
oneida-nsn.gov

---

**From:** TribalSecretary <TribalSecretary@oneidanation.org>  
**Sent:** Friday, September 27, 2019 11:13 AM  
**To:** Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>  
**Cc:** TribalSecretary <TribalSecretary@oneidanation.org>; Brian A. Doxtator <bdoxtat2@oneidanation.org>; Jameson J. Wilson <jwilson@oneidanation.org>; Chris J. Cornelius <ccorne10@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Laura E. Laitinen-Warren <LLAITINE@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Rosa J. Laster <rlaster@oneidanation.org>  
**Subject:** E-POLL REQUEST: Approve the travel request - Chairman Tehassi Hill and Vice-Chairman Brandon Stevens - Democratic Presidential Primary Debate - Westerville, OH - October 15-16, 2019  
**Importance:** High

## E-POLL REQUEST

### Summary:

Chairman Hill and Vice Chairman Stevens have been invited to attend the Democratic Presidential Primary Debate, Tuesday, October 15, 2019 and Wednesday, October 16, 2019 in Westerville, Ohio. An e-poll is requested in order to ensure travel arrangements can be secured in advance; the next regular Business Committee meeting is just a few days before the event.

### Requested Action:

Approve the travel request for Chairman Tehassi Hill and Vice-Chairman Brandon Stevens to attend the Democratic Presidential Primary Debate in Westerville, OH - October 15-16, 2019

### Deadline for response:

Responses are due no later than **4:30 p.m., MONDAY, September 30, 2019.**

### Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Lisa Liggins  
Information Management Specialist  
Business Committee Support Office (BCSO)



A good mind. A good heart. A strong fire.  
PO Box 365

Oneida, WI 54155-0365  
Oneida-nsn.gov

**1. OBC Meeting Date Requested:**      /    /         ☒ e-poll requested

Event Name: Democratic Presidential Primary Debate

Event Location: Westerville, Ohio Attendee(s): Tehassi Hill

Departure Date:	Oct 14, 2019	Attendee(s):	Brandon Stevens
-----------------	--------------	--------------	-----------------

Return Date:	Oct 16, 2019	Attendee(s):	
--------------	--------------	--------------	--

☒ Funds available in individual travel budget(s)      Cost Estimate: \$1,200 (per traveler)

☐ Unbudgeted

☐ Grant Funded or Reimbursed

Describe the justification of this Travel Request:

Chairman Hill and Vice Chairman Stevens have been invited to attend the Ohio Democratic Presidential Primary Debate, Tuesday, October 15, 2019 and Wednesday, October 16, 2019 in Westerville, Ohio.

Requested Action:

Approve the travel request for Chairman Hill and Vice Chairman Stevens to attend the Ohio Democratic Presidential Primary Debate, Oct. 15-16, 2019, Westerville, Ohio

Requesting and e-poll to cut down on airfare costs, as the next scheduled BC meeting is Oct. 9, 2019

Sponsor: Tehassi Hill, Chairman

- 1) Save a copy of this form for your records.
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**Tehassi Tasi Hill**

---

**From:** DNC Debate Team <debates@dnc.org>  
**Sent:** Tuesday, September 24, 2019 5:56 PM  
**To:** Tehassi Tasi Hill  
**Subject:** You are invited to The Ohio Democratic Presidential Primary Debate



Tehassi Hill,  
You are cordially invited to the Democratic presidential primary debate hosted



by the Democratic National Committee, Ohio Democratic Party, CNN and The New York Times on Tuesday, October 15 **AND (if necessary)** Wednesday, October 16, 2019. This invitation is valid for both Tuesday, October 15 **AND** Wednesday, October 16, 2019 (if necessary). Please RSVP at the link below to confirm your attendance.

This invitation is not a ticket to the debate. You need to RSVP on the button below to receive your e-ticket via email. Your tickets are non-transferable. A photo ID will be required to gain access to the debate hall. ***This invitation will expire at 11:59pm on September 30, 2019***

Debate Arrival Information:

Otterbein University  
Rike Center  
170 Center St.  
Westerville, OH 43081

When: Tuesday, October 15, 2019  
Doors Open times to be confirmed in the coming days.

AND (if necessary)

Wednesday, October 16, 2019  
Doors Open: TBD

RSVP

Paid for by the Democratic National Committee, [democrats.org](https://democrats.org). Not authorized by any candidate or candidate's committee.

Enter the e-poll results into the record regarding the approved travel request - Secretary Lisa Summers -..

## Business Committee Agenda Request

1. Meeting Date Requested: 10/09/19

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: E-poll results; E-poll request; original supporting documents

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: TSCHUMAN

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**From:** TribalSecretary  
**Sent:** Monday, September 23, 2019 10:47 AM  
**To:** TribalSecretary; Brandon L. Yellowbird-Stevens; Daniel P. Guzman; David P. Jordan; Ernest L. Stevens; Jennifer A. Webster; Kirby W. Metoxen; Lisa M. Summers; Patricia M. King; Tehassi Tasi Hill  
**Cc:** BC\_Agenda\_Requests; Brian A. Doxtator; Danelle A. Wilson; Fawn J. Billie; Jameson J. Wilson; Jessica L. Wallenfang; Laura E. Laitinen-Warren; Leyne C. Orosco; Rhiannon R. Metoxen; Rosa J. Laster  
**Subject:** E-POLL RESULTS: Approve the travel request - Secretary Lisa Summers - 20th Annual TribalNet Conference & Tradeshow - Nashville, TN - November 10-15, 2019  
**Attachments:** BCTR Approve the travel request - LS - 20th Annual TribalNet Conference & Tradeshow - Nashville, TN - November 10-15, 2019.pdf  
  
**Importance:** High  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### E-POLL RESULTS

The e-poll to approve the travel request for Secretary Lisa Summers to attend the 20th Annual TribalNet Conference & Tradeshow in Nashville, TN - November 10-15, 2019, **has been approved**. As of the deadline, below are the results:

Support: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Lisa Liggins  
Information Management Specialist  
Business Committee Support Office (BCSO)



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

P.O. Box 365  
Oneida, WI 54155-0365  
oneida-nsn.gov

---

**From:** TribalSecretary <TribalSecretary@oneidanation.org>  
**Sent:** Thursday, September 19, 2019 11:28 AM  
**To:** Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>  
**Cc:** TribalSecretary <TribalSecretary@oneidanation.org>; Brian A. Doxtator <bdoxtat2@oneidanation.org>; Jameson J. Wilson <jwilson@oneidanation.org>; Chris J. Cornelius <ccorne10@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Laura E. Laitinen-Warren <LLAITINE@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Rosa J. Laster <rlaster@oneidanation.org>  
**Subject:** (corrected/complete) E-POLL REQUEST: Approve the travel request - Secretary Lisa Summers - 20th Annual TribalNet Conference & Tradeshow - Nashville, TN - November 10-15, 2019  
**Importance:** High

## E-POLL REQUEST

### Summary:

This event focuses on the best practices for records management and data collection and will provide training on various area of data, records, and technology. These are areas within the Nation's structure are wholly or partially are responsible to the Secretary. The Intergovernmental Affairs Director has been asked to assign staff to attend as well.

Registration fees increase shortly after the next regular meeting; in order to take advantage of the current pricing a e-poll has been requested.

### Requested Action:

Approve the travel request for Secretary Lisa Summers to attend the 20th Annual TribalNet Conference & Tradeshow in Nashville, TN - November 10-15, 2019

### Deadline for response:

Responses are due no later than **4:30 p.m., Friday, September 20, 2019.**

### Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Lisa Liggins

Information Management Specialist  
Business Committee Support Office (BCSO)

**1. OBC Meeting Date Requested:**                      /    /    ☒ e-poll requested

Event Name: TribalNet Conference & Tradeshow- 20th Annual

Event Location: Nashville, TN Attendee(s): Lisa Summers

Departure Date:	Nov 10, 2019	Attendee(s):	
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Return Date:	Nov 15, 2019	Attendee(s):	
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☒ Funds available in individual travel budget(s) Cost Estimate: \$2,174.70

☐ Unbudgeted

☐ Grant Funded or Reimbursed

Describe the justification of this Travel Request:

**Purpose :** The Secretary would like to attend this event which will focus on best practices for records management and data collection. The event will provide training on general operations and technology, data classification models, tribal member services - centralized data models, archiving of cultural information - database technology; and executive-level communication featuring technology.

**Background:** The Secretary is responsible for the Nation's record keeping and national communication to the membership.

**Requested Action:** Motion to approve Secretary Summers travel request to attend the Tribal Net Conference and Tradeshow from November 10th to November 15th, in Nashville, TN

Sponsor: Lisa Summers, Secretary

- 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)





# TRIBALNET CONFERENCE & TRADESHOW

NOVEMBER 11-14, 2019 • GAYLORD OPRYLAND RESORT & CONVENTION CENTER, NASHVILLE, TN

\*Agenda subject to change

## Who Should Attend?

All **TECHNOLOGY MINDED** professionals  
PLUS Executives & Leaders working in:

- Tribal Government
- Tribal Gaming/Hospitality
- Tribal Health



With over **125 VENDORS** on the tradeshow floor- create & manage key vendor partnerships essential for your technology investment



See the full list of conference sponsors & exhibitors online at [TribalNetConference.com](http://TribalNetConference.com)

## Keynote Speakers:

**MICHAEL TCHONG** - "Ubertrends: How Trends & Innovation are Transforming Our Future"

**AVISH PARASHAR** - "Ding Happens! How to Improvise, Adapt, and Innovate in an Ever-Changing World"

**GARRISON WYNN** - "Innovative Influence- what the most influential do differently"

## Save on your Hotel Room

Stay onsite at the Gaylord Opryland Resort & Convention Center in Nashville, Tennessee! If you choose to stay onsite, you are eligible for a discounted room rate of \$199+. Room block deal expires 10/20.



**TRIBALNET**  
...is a division of **TRIBALHUB**

## Choose any sessions\* from the SIX Specialized Tracks

### IT SECURITY

- IT Security- what to outsource and when to outsource
- Redefining the Approach to Security- effective communications for security concepts
- Machine Learning and AI Applications within Security
- Social Engineering- don't be fooled experiments and end user training
- Brand/Social Media Security- IT's role in protecting your brand
- Privacy Laws- update and future view, what you should know
- Sovereignty and the Cloud
- WORKSHOP: IT Security- red team vs. blue team attacking and defending techniques

### LEADERSHIP/MANAGEMENT

- An Innovative Mindset- design-thinking
- How to Properly Integrate Technology within your Organizational Strategy
- Empowering Yourself for Influence and Driving Change
- Executive-Level Communications: featuring technology
- Leading Through Crisis
- WORKSHOP: Premier Leadership Training with TribalWise Learning Institute
- WORKSHOP: Executive Coaching
- WORKSHOP: Succession Planning and Leadership Development

### GENERAL OPERATIONS & TECHNOLOGY

- Future View: 5G- impacting our business, advancements in technology based on the 5G network
- Business Intelligence and Data Literacy- part 1: data collection
- Business Intelligence and Data Literacy- part 2: telling the story
- DR and DP- simple and effective plans and best practices
- Expansions and New Construction- IT's seat at the table
- Microsoft Office and Dynamics 365- centralized data platform
- Best Practices for Data Classification Models

### GAMING/HOSPITALITY TECHNOLOGY

- The Future of the Hospitality Experience
- Alignment of Gaming Commission and Regulatory Bodies with Available New Technology and Security
- Sports Betting- where is it now, where is it in the future, where should my property be?
- Monetizing Cutting Edge Technology in Tribal Gaming
- AI and Guest Engagement- where is it now, where is it in the future, where should my property be?
- Journey Mapping- improving the customer experience and integrating data silos
- Mobile Wallet in Gaming
- Title 31 and Know Your Customer

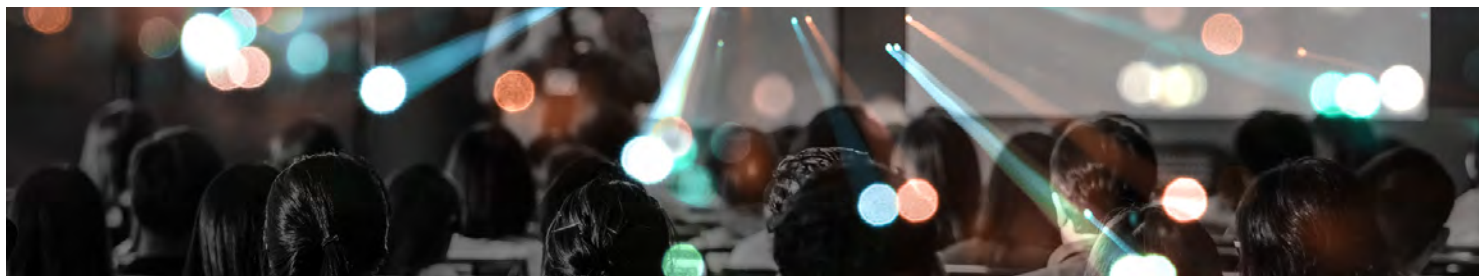
### TRIBAL GOVERNMENT TECHNOLOGY

- Grants- IT role and data driven requirements in application process and data fulfillment
- Drone Technology and Uses for a Tribe
- Technology Projects Impacting Tribal Communities
- Tribal Member Services- centralized data models
- Federal Agency Representatives Roundtable- presenting opportunities- infrastructure and security
- Archiving of Cultural Information- database and technology
- Records Management Best Practices

**PLUS, check the agenda online for session topics in the HEALTH IT TRACK**

USE THIS SESSION LIST TO CUSTOMIZE YOUR LEARNING & MAXIMIZE THE VALUE OF YOUR CONFERENCE EXPERIENCE!



[ATTENDEES](#)[SPEAKER APPLICATION](#)[EXHIBITORS/SPONSORS](#)[VENUE](#)[PAST EVENTS](#)[CONTACT](#)

## Why Should You Attend?

The TribalNet Conference & Tradeshow from TribalHub is one of the only events truly dedicated to Native American government, gaming, and health technology – with topics that are relevant to what is going on both nationally and locally. It's becoming more and more essential for business leaders to utilize cutting-edge technologies and leadership across all industries to create sustainable growth and success. The TribalNet Conference & Tradeshow is a growing network of resources, experience, and industry connections, ensuring possession of the tools and information that they need to thrive in their industry.

### What will you gain by attending?

- Valuable Connections with Vendor Partners and Industry Peers
- Opportunities for Collaboration with other Tribes
- Practical tools for business growth
- Knowledge of the Latest Technology Tools and Resources

### What is TribalNet?

TribalNet is an industry resource for technology professionals in the Native American market and platform for, tribal IT leaders, executives and decision makers in technology. Our unique market. Our goal since the formation of the group in 1999 stands today.

### What is TribalHub?

After 20 years of service dedicated to Native American government, gaming/health technology, TribalHub leverages extensive industry experience to offer a set of products and services across several operational divisions: TribalFocus, TribalValue, TribalWise, and the long-standing TribalHub membership, which connects industry vendors and Native American government leaders. TribalHub provides access to industry information and discounts within every division of the TribalHub family.

Will you be attending TribalNet's  
2019 Conference and  
Tradeshow?

Yes, I'm coming as an attendee.

I'm considering coming as an attendee, but I'm  
looking for more information.

No, I will not be participating as an attendee this  
year.

Yes, I am coming as a sponsor/exhibitor.

I'm considering participating as a  
sponsor/exhibitor, but I'm looking for more  
information.

No, I will not be participating as a  
sponsor/exhibitor this year.





# TRIBALNET CONFERENCE & TRADESHOW

NOVEMBER 11<sup>TH</sup> - 14<sup>TH</sup>, 2019

GAYLORD OPRYLAND RESORT & CONVENTION CENTER, NASHVILLE, TN

## 2019 FULL CONFERENCE AGENDA (PAGE 1 OF 2)

(Agenda subject to change // September 12, 2019)

Monday 11/11	Track	Session
7:00-3:00	All	Registration/Information
7:00-9:00	All	Welcome Coffee on Behalf of Our Sponsors
10:00-3:00	Exhibitors Only	Exhibitor Setup
9:00-12:00	Leadership/Management	WORKSHOP: Executive Coaching
9:45-10:45	General Operations & Tech	Working Group: Building Industry Research
9:45-10:45	IT Security	Working Group: Building a Native American Security Sharing Organization
10:45-11:00	All Attendees/Conf Pass Holders	Sponsored Break
11:00-12:00	IT Security	Redefining the Approach to Security- effective communications for security concepts
11:00-12:00	Gaming/Hospitality Tech	The Future of the Hospitality Experience
11:00-12:00	Tribal Gov't Tech	Grants- IT role and data driven requirements in application process and data fulfillment
11:00-12:00	Health IT	Change Management Related to Health IT
12-1:15	All Attendees/Conf Pass Holders	Lunch on Behalf of Our Sponsors
12:45-1:15	All Attendees/Conf Pass Holders	TribalNet 20th Anniversary Kickoff Celebration and Industry Awards Presentation
1:30-4:00	Leadership/Management	WORKSHOP: Succession Planning and Leadership Development
1:30-2:30	Gaming/Hospitality Tech	Alignment of Gaming Commission and Regulatory Bodies with Available New Technology and Security
1:30-2:30	Tribal Gov't Tech	Drone Technology and Uses for a Tribe
1:30-2:30	Health IT	Utilizing Health Data to Improve Delivery of Healthcare
1:30-2:30	General Operations & Tech	Sustaining our Physical World in a Digital Age
2:30-2:45	All Attendees/Conf Pass Holders	Sponsored Break
2:45-3:45	IT Security	Machine Learning and AI Applications within Security
2:45-3:45	Gaming/Hospitality Tech	Sports Betting- where is it now, what's ahead, where should my property be?
2:45-3:45	Tribal Gov't Tech	Technology Projects Impacting Tribal Communities
2:45-3:45	Health IT	How Do New Technologies Impact Delivery of Healthcare?
4:00-4:30	All Attendees	TribalHub Membership Has Its Benefits- are you in the club?
4:30-5:00	All Attendees with a Members Only Badge	TribalHub Members Only Meeting & Reception
5:00-7:30	All Attendees & Meet & Greet Ticket Holders	Meet & Greet Exclusive Event- "Party Like It's 1999" a New Year's Eve Y2K Remix
Tuesday 11/12	Track	Session
7:00-2:00	All	Registration/Information
7:00-8:15	All Attendees/Conf Pass Holders	Breakfast on Behalf of Our Sponsors
8:15-8:30	All	Morning Wake Up With TribalNet Conference MC
8:30-9:30	All	Keynote Presentation delivered by Michael Tchong - "Ubertrends: How Trends and Innovation are Transforming Our Future"
9:45-10:45	IT Security	Social Engineering- don't be fooled experiments and end user training
9:45-10:45	Leadership/Management	An Innovative Mindset- design-thinking
9:45-10:45	Gaming/Hospitality Tech	Monetizing Cutting Edge Technology in Tribal Gaming
9:45-10:45	Tribal Gov't Tech	Tribal Member Services- centralized data models
9:45-10:45	Health IT	Modernization Research Project- an update from I.H.S. OIT
10:45-11:00	All Attendees/Conf Pass Holders	Sponsored Break



# TRIBALNET CONFERENCE & TRADESHOW

NOVEMBER 11<sup>TH</sup> - 14<sup>TH</sup>, 2019

GAYLORD OPRYLAND RESORT & CONVENTION CENTER, NASHVILLE, TN

## 2019 FULL CONFERENCE AGENDA (PAGE 2 OF 2)

(Agenda subject to change // September 12, 2019)

Tuesday 11/12	Track	Session
11:00-12:00	IT Security	IT Security- what to outsource and when to outsource
11:00-12:00	Leadership/Management	How to Properly Integrate Technology within your Organizational Strategy
11:00-12:00	Gaming/Hospitality Tech	AI & Guest Engagement- what is the real effect now, where is it in the future, where should my property be?
11:00-12:00	Tribal Gov't Tech	Federal Agency Representatives Roundtable- presenting opportunities- infrastructure and security
11:00-12:00	Health IT	Cloud Computing and HIPAA
12:00-1:15	<b>All Attendees/Conf Pass Holders</b>	<b>Lunch on Behalf of Our Sponsors</b>
1:15-2:15	Leadership/Management	Leading Through Crisis
1:15-2:15	Gaming/Hospitality Tech	Journey Mapping- improving the customer experience and integrating data silos
1:15-2:15	Health IT	CMS Program Changes and Impact
1:15-2:15	General Operations & Tech	DR and DP- simple and effective plans and best practices
2:30-3:30	IT Security	Privacy Laws- update and future view, what you should know
2:30-3:30	General Operations & Tech	Expansions and New Construction- IT's seat at the table
2:15-6:15	<b>All</b>	<b>Tradeshow Floor Open and Sponsored Hospitality Event</b>
6:30-7:30	<b>Attendee Badges</b>	<b>Cocktail Hour Networking Event</b>
Wednesday 11/13	Track	Session
7:00-2:00	<b>All</b>	<b>Registration/Information</b>
7:00-8:15	<b>All Attendees/Conf Pass Holders</b>	<b>Breakfast on Behalf of Our Sponsors</b>
8:15-8:20	<b>All</b>	<b>Morning Wake Up With TribalNet Conference MC</b>
8:20-9:20	<b>All</b>	<b>Keynote Presentation delivered by Avish Parashar - "Ding Happens! How to Improve, Adapt, and Innovate in an Ever-Changing World"</b>
9:30-10:15	Leadership/Management	Executive-Level Communications: featuring technology
9:30-10:15	Tribal Gov't Tech	Archiving of Cultural Information- database and technology
9:30-10:15	Health IT	Technology and the Opioid Response
9:30-10:15	General Operations & Tech	Microsoft Office and Dynamics 365- centralized data platform
10:15-10:30	<b>All Attendees/Conf Pass Holders</b>	<b>Sponsored Break</b>
10:30-11:15	IT Security	Brand/Social Media Security- IT's role in protecting your brand
10:30-11:15	Gaming/Hospitality Tech	Title 31 and Know Your Customer
10:30-11:15	Tribal Gov't Tech	Records Management Best Practices
10:30-11:15	Health IT	ECHO Model
10:30-11:15	Sponsor/Exhibitor Badges Only	Vendor Session
11:30-12:15	Leadership/Management	Empowering Yourself for Influence to Drive Change
11:30-12:15	Gaming/Hospitality Tech	Mobile Wallet in Gaming
11:30-12:15	General Operations & Tech	Data Compliancy and Models - Best Practices
11:30-12:15	<b>All Attendees/Conf Pass Holders</b>	<b>Working Group and Roundtable: meet and build your region</b>
12:15-1:45	<b>All Attendees/Conf Pass Holders</b>	<b>Lunch on Behalf of Our Sponsors</b>
12:45-1:45	<b>All</b>	<b>Keynote Presentation Delivered by Garrison Wynn- "Innovative Influence- what the most influential do differently"</b>
1:30-5:30	<b>All</b>	<b>Tradeshow Floor Open and Sponsored Hospitality Event</b>
4:45-5:30	<b>All</b>	<b>Booth Prizes, PLUS \$2,500 Grand Prize Tradeshow Bingo Run Drawing</b>
5:30-7:00	<b>Attendee Badges</b>	<b>Jamapalooza Sponsored By Handel IT</b>
Thursday 11/14	Track	Session
8:00-9:30	<b>All</b>	<b>Breakfast on Behalf of Our Sponsors</b>
9:30-12:30	IT Security	WORKSHOP: IT Security- red team vs. blue team attacking and defending techniques
9:30-12:30	Leadership/Management	WORKSHOP: Premier Leadership Training with TribalWise Learning Institute
10:45-11:00	<b>All Attendees/Conf Pass Holders</b>	<b>Sponsored Break</b>

**Oneida Business Committee Agenda Request**

Approve the attorney contract - Oneida Gaming Commission legal counsel - file # 2019-1082

**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:**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:

Request Business Committee approval for OGC Legal Counsel contract for William Cornelius #2019-1082, RFP Process was followed as requested.

- 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  
Oneida Gaming Commission



## OGC Legal Counsel Contract FY20

Oneida  
Gaming  
Commission

**To:** Finance Committee & Oneida Business Committee  
**From:** Mark A. Powless, Sr., Chairman of the Oneida Gaming Commission  
**Date:** 09/18/19

As requested by the Oneida Business Committee and Law Office, the Oneida Gaming Commission (OGC) solicited attorney proposals via a Request for Proposal for Legal Representation for the OGC.

Proposals were solicited, neutrally received and evaluation proceedings were coordinated by the Executive Director. Each Gaming Commissioner independently reviewed and scored the proposals. The scores were averaged for reference and the collective Commission made an official decision to contract the OGC's legal services to William T. Cornelius, Attorney at Law.

In accordance with the September 4, 2019 memorandum, *Updated Finance Committee Process for FY2020*, this contract is being submitted to the Finance Committee for approval. It is understood the contract is considered a Sole Source Contract over \$50,000, due to the technicality that only two bids/proposals were received.

**Approval is requested at the October 1, 2019 Finance Committee meeting.**

Please find attached:

- Contract/Purchase Approval Request Form
- Contract
- Legal Review
- SAM's search (debarment verification)

If there are any questions/concerns regarding this request do not hesitate to contact my me at [mpowles5@oneidanation.org](mailto:mpowles5@oneidanation.org) or ext. 5654. Thank you!

cc: OGC  
Tamara VanSchyndel, Executive Director



**Shannon C. Davis**

---

**From:** Melissa M. Alvarado  
**Sent:** Monday, September 16, 2019 3:07 PM  
**To:** Shannon C. Davis  
**Cc:** Tamara J. Vanschyndel; Michelle M. Braaten; Melissa M. Alvarado  
**Subject:** NOTIFICATION: Attorney William Cornelius Contract & Lease Agreement FY20-FY22  
**Attachments:** Atty Contract FY20.pdf; Atty Office Lease FY20.pdf

**DATE:** 09/16/19  
**FROM:** Mark Powless Sr.  
**SUBJECT:** Attorney William Cornelius Contract & Lease Agreement FY20-FY22

Good Afternoon,

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. Attorney William Cornelius Contract & Lease Agreement FY20-FY22

If you have any further questions please feel free to contact the Executive Director, Tamara VanSchyndel or OGC Chair Mark Powless Sr. via email [tvanschy@oneidanation.org](mailto:tvanschy@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 LAW OFFICE****CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT**

TO: Shannon Davis  
Gaming Commission

*Use this number on future correspondence:*

**2019-1082**

FROM: Jo Anne House, Chief Counsel

 Digitally signed by Jo Anne House  
Date: 2019.09.26 10:07:50 -05'00'

DATE: September 26, 2019

RE: William T. Cornelius

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.*)
- ✓ Requires Business Committee approval prior to execution, pursuant to the Attorney Contracts Policy.

## SPECIAL COUNSEL LEGAL SERVICES AGREEMENT

This Agreement is made and entered into on this 01 day of October 2019 between the Oneida Nation Gaming Commission (Commission) and Attorney William Cornelius (Attorney), PO Box 268, Oneida, Wisconsin, 54155 for services rendered from October 1, 2019 until September 30, 2022

1. **Term.** The Commission retains Attorney commencing upon approval date by the Oneida Business Committee
  - A. **Renewal:** The contract herein will not be automatically renewed as it expires. A new contract will be written and reviewed within 90 (Ninety) days prior to expiration of said contract. The Nation's contract review and approval process will be followed.
2. **Scope of Service.** The Commission desires that the Attorney provide legal services when requested to the Commission in its role of fulfilling its gaming regulatory responsibilities. Attorney shall provide reports and assignments on gaming regulatory matters as may be requested by the Commission. All work by the Attorney shall be under the direction of the Commission. Attorney agrees to comply with and submit in a timely manner all responses needed in regard to the Oneida Nation's auditing requirements.
3. **Compensation.** In Consideration of services rendered, the Attorney shall provide the Commission at the end of the month an invoice of services provided not to exceed \$6,000 for legal fees, at which point the Attorney shall be paid. Any time exceeding the \$6,000 shall be donated time to the Commission. The Attorney shall provide legal services at \$125/per hour
  - A. **Monthly Invoices:** All monthly invoices shall be submitted to the OGC Chair and Administrative staff no later than the 7<sup>th</sup> business day of the next month.
4. **Expenses.** The Commission shall be responsible for travel expenses approved in advance by the Commission including, but not limited to airfare, lodging, food, telecommunication costs, taxi fares, car rentals, copying, etc., as related to the approved travel. All travel reimbursement shall follow the same guidelines as the Oneida Nation.
  - A. **Expense Receipts:** All expenses incurred for travel on behalf of the Oneida Gaming Commission shall be submitted each month at the time the monthly invoice is submitted. All expenses need to include receipts or there will not be reimbursement of costs.
5. **Rent/Space Agreement.** The Attorney agrees to pay a monthly fee of \$50 (fifty) or an annual payment of \$600 (six hundred) for office space per lease agreement.
  - A. **Rent Payment:** Check and/or Money Order should be made out to the Oneida Gaming Commission. If paying monthly, payment will be due at the time the monthly invoice is submitted. If paying annually, payment will be due by October 15th.

6. **Primary Responsibility Party.** The Commission and Attorney agree that William T. Cornelius shall have primary responsibility for the work performed under this Agreement. This shall not preclude Attorney from seeking and using additional attorneys for which Attorney shall be solely responsible for all costs.
7. **Confidentiality.** The Attorney agrees to keep all work under the Agreement confidential and shall not discuss these matters with any third party without the consent of the Commission.
8. **Work Product.** The Attorney will assist in the development of all appropriate regulations and policies to meet the requirement of the Oneida Nation Gaming Ordinance (ONGO). The Attorney shall also provide legal reviews and advice as requested. The Attorney shall provide documents to the Commission at periodic work sessions to review draft and final work products, including travel reports. The work product under this Agreement is the express property of the Commission unless otherwise agree to by the parties in writing. The Attorney shall not utilize any of the reports, or any drafts of the reports, or any material gathered for the Commission for their own personal or professional use without the written express consent of the Commission.
9. **Amendments.** This Agreement may only be amended with the written consent of both parties.
10. **Termination & Disagreements.** This Agreement may be terminated by either party, with or without cause upon 30 (thirty) day notice. Any disagreements in regard to said termination or other issues concerning this Agreement shall be resolved within the jurisdiction of the Oneida Nation. In the event of a Termination of this Contract, the Attorney shall be paid for the work performed for the Commission up to the point of said termination.
11. **Bar Association.** The Attorney stipulates that he is a licensed member in good standing of the State Bar of Wisconsin, member #1050413, and to the best of his knowledge, no disciplinary proceedings are instituted against him by any bar association in any jurisdiction of the United States or its territories which bar pending and/or unresolved and that he has not been and is not disbarred from practice of law in any jurisdiction of the United States or its territories.
12. **Entire Agreement.** This Agreement constitutes the entire Agreement between the parties.
13. **Agreement.** The Commission and Attorney agree that nothing in this Agreement shall create an employment relationship.
  - A. **Conflict of Interest:** There is no conflict of interest prior to or after executing the contract.
14. **Approval and Sign Off.** Approval of signature by any person or persons on behalf of the Oneida Nation, whether on a contract, or agreement shall not constitute a waiver

of sovereign immunity on behalf of the Oneida Nation, Oneida General Council, the Oneida Business Committee or any of its agents or sub-entities.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the dates shown below.

\_\_\_\_\_  
William T. Cornelius, Attorney (date)

\_\_\_\_\_  
Mark A Rowless Sr., Chairman (date)  
Oneida Gaming Commission

\_\_\_\_\_  
Jo Anne Huse, Ph.D. (date)  
Chief Counsel

\_\_\_\_\_  
Tehassi Hill (date)  
Chair, Oneida Business Committee

\_\_\_\_\_  
\_\_\_\_\_, Oneida Business Committee (date)

Contract Reference é  
Approval by Oneida Business Committee: \_\_\_\_\_

**BUILDING LEASE**

The Building Lease ("Lease") is entered into as of the 1st day of October 2019 by and between **Oneida Gaming Commission**, P.O. Box 79, Oneida, Wisconsin 54155 (hereinafter called "Lessor"), and **William T. Cornelius** (hereinafter called "Lessee").

**WITNESSETH:**

**IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED, AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:**

1. **Premises.** Lessor, in consideration of the covenants and covenants hereinafter set forth, does hereby lease unto Lessee the building and improvements described on Attachment A attached to this Building Lease (hereinafter referred to as the "Premises"). Lessee accepts the Premises in "AS IS" condition, without any warranty or representation, express or implied, being made by Lessor. Location of premises is 2669 West Mason Street, Green Bay, WI.
2. **Rent.** Lessee agrees to lease the Premises for the term herein, defined as an initial term of 1 (one) years and to pay Lessor as base rent therefore as follows:
  - (a) Commencing on the date hereof, the Lessee shall pay the monthly sum of \$150 (fifty) commencing on October 1, 2019 and each month hereafter for 3 (three) years ending September 30, 2022.
  - (b) The rent shall be paid to Lessor at 2669 West Mason Street, Green Bay, WI 54313, or to such other place as it may designate in writing. Lessee shall pay the rent to Lessor without notice or demand and without abatement, deduction or setoff.
  - (c) Lessee's covenant to pay rent is and shall be independent of each and every other covenant of this Lease. Lessee agrees that any claim by Lessee against Lessor shall not be deducted from rent nor setoff against any claim for rent in any action.
  - (d) At the expiration of this Lease, all items of rent shall be equitably prorated as of the date of termination.
3. **Term.**
  - (a) The initial Lease Term shall be for 1 (one) year term ending September 30, 2020.
  - (b) Provided that Lessee is not then in default under this Lease Agreement, Lessee shall have the option to extend this Lease Agreement for two (2) additional terms.



4. **Dispute Resolution.** Lessor and Lessee agree that any disputes arising under this Lease shall be resolved through the use of good faith negotiation. In the event the parties are unable to resolve the dispute through the use of good faith negotiation, Lessor and Lessee agree to mediate the dispute.

5. **Miscellaneous.**

- (a) This Lease is binding upon and shall inure to the benefit of the parties hereto and its successors and assigns, subject, however, to the limitations on assignment contained herein.
- (b) This Lease contains the entire agreement between the parties and cannot be changed or terminated orally.
- (c) Time is of the essence of the provisions of this Lease.
- (d) If any provision of this Lease is declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect.
- (e) Failure of either party to enforce any rights or remedies shall not constitute a waiver of the default giving rise to the rights or remedies nor prevent such party from exercising the rights or remedies for any subsequent default by the other party.
- (f) At the request of either party, the parties agree to execute a short form notice of this Lease for recording purposes.

**IN WITNESS WHEREOF, the parties have caused the execution and deliveries of this Lease under seal effective the date first written above.**

**LESSOR:**

**ONEIDA GAMING COMMISSION**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**LESSEE:**

**WILLIAM T. CORNELIUS, ATTORNEY AT LAW**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**Attachment A To Lease**

**Description of Premises**

Building known as: West Mason Mall Retail suite totals approximately 100 square feet gross area.

**CONSULTANT/CONTRACTOR  
CONFLICT OF INTEREST  
DISCLOSURE FORM**

I, William T. Cornelius, on behalf of  
N/A

the "Contractor"), declare this to be a full and complete disclosure of all conflicts of interest with the Oneida Nation. Conflict of interest means any interest, whether it be personal, financial, political, or otherwise, that conflicts with any right of the Oneida Nation to property, information, or any other right to own and operate its enterprises, free from undisclosed competition or other violation of such rights of the Oneida Nation. Therefore, I affirm to the best of my knowledge the following:


1. The Contractor is not an employee of the Oneida Nation. *(Must include job description if employee of the Oneida Nation.)*
2. The Contractor is neither presently involved in, nor is it contemplating any legal actions against the Oneida Nation.
3. The Contractor is not presently involved in any activity or has any outside interests that conflict or suggest a potential conflict with the Oneida Nation.
4. The Contractor is neither involved in nor does it own any business investments which are related to or connected with the Oneida Nation, its programs, departments, or enterprises
5. Neither the Contractor, nor any of its representatives, holds any positions as director or officer in any public or private groups, firms, organizations, or other entities which are substantially or wholly owned by the Oneida Nation. No representative of the contractor sits on any board, commission, or committee of the Oneida Nation. No officer or director of the Company has any conflict as defined above
6. The Contractor is neither applying for, nor receiving, any special services, grants, loans or other programs provided by the Oneida Nation, and has no pending contracts with the Oneida Nation, except as herein disclosed and listed below:

**If NONE, please check ☒**

Enter disclosures, if any

*(Attach additional pages, if necessary)*

During the term of the contract or any extension thereof, I will promptly report any situation which may involve, suggest or appear to suggest any conflict that I may have with the Oneida Nation. If a conflict arises, I am informed and understand that the Oneida Nation may in its sole discretion, terminate the contract without obligation to me. Further, failure to report any conflict shall also be cause to terminate my contract.

Signature: 

Date: September 16, 2019

**CONTRACT / PURCHASE APPROVAL REQUEST****Contacts**

<b>Date</b>	09/17/19	<b>Requested Review Date</b>	09/17/19
<b>Requestor's Name</b>	Shannon Davis	<b>Requestor's Phone #</b>	497-5850 ext 5657
<b>Business Unit Name</b>	Gaming Commission	<b>Area Director</b>	Tamara VanSchyndel
<b>Business Unit Number</b>	4273003	<b>Executive Representative</b>	

**Description of Contract** (Include a summary of the contract as well as benefits associated from the contract)

Legal counsel contract for the Oneida Gaming Commission
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**Terms of the Contract**

<b>Supplier Name</b>	William T. Cornelius		<b>Vendor Number</b>	109533	
<b>Item(s) Purchased</b>	Legal Services		<b>Budgeted Purchase</b>	YES	NO
<b>Total Commitment</b>			<b>Trade-in / Book Value</b>		
<b>Shipping Costs</b>			<b>Legal Review Number</b>		
<b>Contract Start Date</b>	10/01/19		<b>Contract End Date</b>	09/30/22	
<b>Auto-renewal clause</b>	YES	NO	<b>If Yes, Notice Period</b>		
<b>CAP EX Approval</b>	YES	NO	<b>DATE</b>	<b>State License Current (Gaming Specific)</b>	YES NO N/A
<b>CAP EX Line Item</b>			<b>Account Number</b>		

**Competitive Bid/Sole Source Justification** (Include a summary of the selection criteria if other than price)

	<b>Supplier Name</b>	<b>Bid Amount</b>	<b>Indian Preference</b>	<b>Sole Source</b>
<b>Bidder #1</b>	William T. Cornelius	í 80,000		
<b>Bidder #2</b>	Quarles ú Brady			
<b>Bidder #3</b>				
<b>Summary of selection criteria or sole source justification:</b>				

<b>Approval / Review Dates</b>	
Legal Review	
Purchasing Review	
Gaming Commission Review	
Cap-Ex Committee Approval	
Finance Committee Approval	

\*For requests to the FC please refer to the FC FY12 scheduled meeting dates for submission deadlines.

Approve an exception to resolution # BC-12-27-16-A and hold both the regular and executive discussion.

## Business Committee Agenda Request

1. Meeting Date Requested: 10/09/19

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: Tehassi Hill, Chairman

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

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: TSCHUMAN

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



## Business Committee Agenda Request – Cover Memo

**From:** Tehassi Hill, Chairman  
**Date:** 10/02/2019  
**RE:** Exception to resolution # BC-12-27-16-A

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### **PURPOSE**

To request an exception to the regular schedule and hold both executive session discussion and the regular meeting on the same day.

### **BACKGROUND**

There will be three (3) BC members attending NCAI the week of the October 23rd meeting. In addition, Treasurer Trish King and Councilman Kirby Metoxen will be out on personal time on October 22nd. There will not be quorum for executive session on October 22nd.

### **REQUESTED ACTION**

Approve an exception to resolution # BC-12-27-16-A and hold both the regular and executive discussion meetings on Wednesday, October 23, 2019, at 8:30 a.m.



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Resolution # 12-27-16-A Oneida Business Committee Regular Meeting Schedule**

- 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,** Article III, Section 3 of the Tribal Constitution provides that “Regular meetings of the Business Committee may be established by resolution of the Business Committee,”; and
- WHEREAS,** with the passage of BC Resolution 7-7-87-A, the Business Committee established a regular meeting schedule to meet of each Tuesday, at 1:30 p.m., and each Friday, at 9:00 a.m.; and
- WHEREAS,** with the passage of BC Resolution 3-25-88-B, the Business Committee modified the regular meeting schedule to meet each Friday, at 9:00 a.m., and held informational meetings the first Monday each month, at 7:00 p.m.; and
- WHEREAS,** with the passage of BC Resolution 4-26-91-A, the Business Committee modified the regular meeting schedule to meet each week on Wednesday, at 9:00 a.m.; and
- WHEREAS,** with the passage of BC Resolution 2-11-04-A, the Business Committee modified the regular meeting schedule to meet every other week on Wednesday, at 9:00 a.m.; and
- WHEREAS,** with the passage of BC Resolution 12-10-08-A, the Business Committee modified the regular meeting schedule to meet every second and fourth Wednesday each month, at 9:00 a.m.; and
- WHEREAS,** with the passage of BC Resolution 06-23-10-E, the Business Committee modified the regular meeting schedule to include executive discussion meetings every second and fourth Tuesday of the month, at 9:00 a.m.; and
- WHEREAS,** with the passage of BC Resolution 11-23-16-C, the Business Committee modified the regular meeting schedule to meet every second and fourth Tuesday of the month at 8:30 a.m. for executive discussion meetings, and to meeting every second and fourth Wednesday of the month at 8:30 a.m. for regular meetings; and
- WHEREAS,** the Business Committee has determined an additional regular meeting is required on a quarterly basis for the purpose of addressing quarterly reports from Boards, Committees and Commissions, Corporate Boards, and Standing Committees of the Business Committee; and

**WHEREAS,** the Business Committee has determined this change would better serve the membership of the Oneida Nation and the Business Committee.

**NOW THEREFORE BE IT FURTHER RESOLVED,** executive discussion meetings of the Oneida Business Committee shall be held every second and fourth Tuesday each month, at 8:30 a.m. starting on January 10, 2017;

**BE IT FURTHER RESOLVED,** regular meetings of the Oneida Business Committee shall be held every second and fourth Wednesday each month, at 8:30 a.m., starting on January 11, 2017;

**BE IT FURTHER RESOLVED,** for the purpose of addressing quarterly reports, regular meetings of the Oneida Business Committee shall be held the fourth Thursday of January, April, July, and October, at 8:00 a.m., starting on January 26, 2017;

**BE IT FINALLY RESOLVED,** this resolution shall supersede all prior motions, practices or resolutions, in particular BC Resolutions 12-10-08-A, 06-23-10-E, and 11-23-16-C, regarding the subject of regular meetings of the Oneida Business Committee.

#### CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members voted in an electronic poll held on the 27<sup>th</sup> day of December, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way. This e-poll will be presented for ratification at the next Oneida Business Committee scheduled on January 11, 2017.

  
Lisa Summers, Tribal Secretary  
Oneida Business Committee

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

**Oneida Business Committee Agenda Request**

Re-post one (1) vacancy - Oneida Environmental Resource Board

**1. Meeting Date Requested:** 10 / 01 / 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: Brooke Doxtator, Boards, Committees, and Commissions Supervisor  
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:

One (1) vacancy for the Oneida Environmental Resource Board was posted with an application deadline of September 20, 2019. As of this date Zero (0) applications have been received.

This will be the 2nd attempt to fill the vacancy due to no applicants.

Action requested:

Approve request to re-post one (1) vacancy for 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)



