

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 all the 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.

- (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 Commission Chairperson or Chairperson's designee.
 - (i) The resignation 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 with recommendations, approved by a majority vote of no less than a quorum of Commissioners, 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 Nation;
 - (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, Law Office or other department associated with items (a) – (j) in section 1-3 of these bylaws; as a Division Director or Area Manager for the Nation; or as an independent contractor for Land Management or any other department of the Nation associated with items (a) – (j) in section 1-3 of these bylaws.

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

- (a) To preside over all meetings in the absence of the Chairperson.

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

- (a) To be responsible for keeping/taking the official minutes 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. *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.

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) The second Monday of each month shall be devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues. 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.
 - (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 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 by three (3) Commissioners at any time.
 - (b) The Chairperson or Chairperson's designee shall provide at least twenty-four (24) hours advance notice of the emergency meeting to all Commissioners in writing and 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 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.* A quorum is required to conduct business on behalf of the Commission and shall consist of no less than four (4) Commissioners, one (1) of which shall include the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is presiding over the meeting in accordance with section 2-4(b) of these bylaws.
- 3-5. *Order of Business.* The order of business, so far as applicable, shall be:
- (a) Call to order
(b) Adoption of Agenda
(c) Reading of Minutes
(d) Old Business
(e) New Business
(f) Reports
(g) Other Business
(h) Executive Session
(i) Adjournment
- 3-6. *Voting.* Decisions shall be by majority vote of the Commissioners in attendance at a meeting of an established quorum, with each Commissioner having one (1) vote.
- (a) The Chairperson or presiding 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. *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;

- (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 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 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 to 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. *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.* 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) 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. 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.

- 6-4. *Oneida Business Committee Liaison.* The Commission shall regularly communicate with the member of the Oneida Business Committee who is its designated liaison.
- (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. *Amendments.* Upon written notice, the Commission may propose amendments to these bylaws for consideration at any regular meeting.
- (a) The Commission may only adopt amendments revising, adding to or repealing any or all of the foregoing bylaws at a subsequent meeting.
 - (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.
 - (2) Such amendments shall thereafter be submitted for review by the Legislative Operating Committee and final approval by the Oneida Business Committee before implementation.
 - (b) The Commission shall review these bylaws at the first meeting following the election of Officers to the Commission, but no less than on an annual basis.

These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on October 9, 2019, by the Secretary of the Oneida Business Committee's signature.



Lisa Summers, Secretary
Oneida Business Committee