

ONEIDA ENVIRONMENTAL RESOURCE BOARD BYLAWS

Article I. Authority

- 1-1. *Name.* The Oneida Environmental Resource Board is the official name of this entity. For the purpose of these bylaws, the Oneida Environmental Resource Board may hereinafter be referred to as the ERB.
- 1-2. *Establishment.* The Oneida Environmental Resource Board, formerly known as the Oneida Conservation Board, was established through resolution BC-02-22-85-B pursuant to the authority delegated to the Oneida Business Committee under Article IV, Section 1(g) of the Constitution of the Oneida Nation and the Oneida Nation's inherent sovereign power to protect the political integrity, economic security, health and welfare of its members, and its territory. The purpose for the ERB's establishment was later expanded upon by the Oneida Business Committee in resolution BC-09-16-86-A.
- 1-3. *Authority.* Through its establishment, the ERB was delegated authority to supervise and regulate the Nation's conservation resources and the environment of the Oneida Reservation.
- (a) The ERB shall be responsible for the oversight, compliance, and/or development of conservation and environmental laws, practices and/or policies for the Oneida Nation that relate to including, but not be limited to:
 - (1) hunting and fishing;
 - (2) conservation, reforestation, parks/wildlife, and recreation;
 - (3) environmental protection and improvement;
 - (5) community education; and
 - (6) enforcement.
 - (b) The ERB shall monitor environmental problems on the Oneida Reservation.
 - (c) The ERB shall carry out all other powers and/or duties delegated through the laws, policies, rules and resolutions of the Nation, including, but not limited to, the Hunting, Fishing and Trapping law; the Water Resources law; the All-Terrain Vehicle law; the Well Abandonment law; the Public Use of Tribal Land law; and the Domestic Animals law.
- 1-4. *Office.* The official office of the ERB shall be located within the exterior boundaries of the Oneida Reservation, and its mailing address shall be:
The Oneida Environmental Resource Board
P.O. Box 365
Oneida, Wisconsin 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The ERB shall consist of nine (9) members.
 - (b) *Appointment.* The ERB members shall be appointed by the Oneida Business Committee, in accordance with the Boards, Committees and Commissions law, to three (3) year terms which shall be staggered.

- (1) The ERB shall review application materials and, per a decision by majority vote of the members in attendance at an ERB meeting of an established quorum, the ERB Chairperson shall provide the Oneida Business Committee with recommendations for appointment from among the qualified applicants by the executive session in which appointments are intended to be made.
- (c) *Vacancies.* The ERB shall fill vacancies through appointment by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.
- (1) A position on the ERB shall be considered vacant in any of the following situations:
 - (A) *End of Term.* A vacancy is effective as of 4:30 p.m. on the last day of the month in which the term ends.
 - (i) Although a member's position is considered vacant once his or her term ends, that member may remain in office until a successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the ERB.
 - (B) *Termination of Appointment.* An ERB member may have his or her appointment terminated by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.
 - (i) The ERB may make recommendations to the Oneida Business Committee for termination of a member's appointment by a majority vote of the members present at an ERB meeting of an established quorum.
 - (C) *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 ERB Chairperson or Chairperson's designee. The resignation is deemed effective upon:
 - (i) Deliverance of the written notices to the Oneida Business Committee Support Office and to the ERB Chairperson or Chairperson's designee; or
 - (ii) Acceptance by motion of the ERB of the member's verbal resignation.
- (d) *Qualifications of Members.* Members of the ERB shall meet the following qualifications:
- (1) Be an enrolled member of the Nation;
 - (2) Be a resident of Brown or Outagamie County;
 - (3) Be 18 years of age or older;
 - (4) Unless pardoned under the Nation's Pardon and Forgiveness law, not have a felony on his or her record;

- (5) Applicants that possess a degree in either environmental sciences or environmental law/policy; have sportsmen's experience and/or have a back-ground in Oneida culture shall be given preference; and
- (6) Not be employed by the Oneida Environmental, Health, Safety, and Land Division.

1-6. *Termination.* Upon a majority vote of the members in attendance at an ERB meeting of an established quorum, the ERB may make a recommendation to the Oneida Business Committee that it terminate the appointment of an ERB member pursuant to the Boards, Committees and Commissions law for any of the following reasons:

- (a) Unexcused absences from more than three (3) meetings or other mandatory events of the ERB within one (1) year.
 - (1) An ERB member will be deemed unexcused if he or she fails to provide written notification of the pending absence to an Officer at least thirty (30) minutes before the missed meeting/mandatory event.
- (b) Violation of any laws of the Nation, these bylaws or any other policy governing members of the ERB.
- (c) Failure to maintain qualifications to be an ERB member.
- (d) Failure to act within the scope of a member or Officer of the ERB.
- (e) Failure to complete all training mandated by section 1-7 of these bylaws within the time allowed for completion or within any extension of time granted thereunder.

1-7. *Trainings and Conferences.*

- (a) All ERB members, within one (1) year after being appointed to the ERB, shall participate in mandatory training as follows:
 - (1) Environmental Law – Two (2) hours, which shall include the Nation's laws and procedures.
 - (2) Legal Writing – Two (2) hours, which shall include environmental and conservation law drafting.
 - (3) Professional Ethics – Two (2) hours of training, including issues of confidentiality.
 - (4) Robert's Rules of Order.
- (b) The ERB may, at its discretion, extend the time allowed for completion of any and all required training of a member for good cause shown.
- (c) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the ERB 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 ERB shall have three (3) Officer positions consisting of a Chairperson, a Vice-Chairperson and a Secretary.

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

- (a) To preside over all meetings of the ERB.
- (b) To, either personally or through a designee, meet with the ERB liaison from the Oneida Business Committee as the official spokesperson of the ERB.
- (c) To, with the help of the ERB Secretary, schedule or reschedule meetings of the ERB as deemed necessary.
- (d) To submit, or through a designee have submitted, 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.
- (e) To attend, or designate an ERB member to attend, the Oneida Business Committee meeting in which the ERB's quarterly report appears on the agenda.

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

- (a) In the absence of the Chairperson, to preside over all meetings of the ERB and carry out all other functions of the Chairperson as specified in section 2-2 of these bylaws.

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

- (a) Subject to the limitations set forth herein, in the absence of the Chairperson and Vice-Chairperson, to carry out all functions of the Chairperson as specified in section 2-2 of these bylaws.
 - (1) The Secretary's authority to call and/or preside over meetings of the ERB 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 meetings of the ERB 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.
- (b) To inform ERB members of the time and place of each meeting and the trainings/conferences that they are required to attend in the manner required by these bylaws.
- (c) To schedule ERB member trainings/conferences as specified in section 1-7 (a) of these bylaws.
- (d) To attend all meetings to record and create accurate minutes of the proceedings.
 - (1) If the Secretary is unable to attend a meeting, it is his or her responsibility to find a replacement prior to the meeting and to notify the Chairperson or Chairperson's designee who the replacement is that will accurately record the proceedings in place of the Secretary.

- (e) To provide notice on the Nation's calendar of when and where each regular and emergency meeting will be held no less than two (2) business days prior to the meeting and further provide notice of the meeting agenda, documents and minutes in accordance with these bylaws and the Nation's Open Records and Open Meetings law.
- (f) To prepare, as well as make available in writing to all members, the agenda, minutes and any documents to be reviewed by the ERB at an upcoming meeting no less than two (2) business days prior to the meeting.
- (g) To type the minutes from all regularly scheduled and emergency meetings and make them available to all ERB members.
- (h) To forward the ERB meeting minutes to the Oneida Business Committee Support Office in accordance with these bylaws upon their approval by the ERB.
- (i) Except for the limited ability to call and/or preside over meetings of the ERB under subsection (a)(1)(A) of this section, the Secretary may select a designee to complete his or her duties when necessary.

2-5. *Selection of Officers.* Officers of the ERB shall be elected for one (1) year terms by majority vote of the members present at the ERB meeting of an established quorum held on the first Thursday in the month of August.

- (a) Any ERB member may nominate any other ERB member for an Officer position.
 - (1) A nominee shall be asked by the Chairperson whether he or she accepts or declines the nomination.
 - (2) The Chairperson shall close the nominations for each Officer position by a majority vote of the ERB members in attendance at the meeting of the established quorum.
- (b) The Chairperson shall be elected first, the Vice-Chairperson second, and the Secretary shall be elected last.
 - (1) The newly elected Officers shall take office at the next meeting of the ERB.
- (c) ERB members may be dismissed from their Officer positions by majority vote of the members in attendance at an ERB meeting of an established quorum.
- (d) An ERB member may attempt to win election to any or all offices, but upon accepting one (1) Officer position, may not be nominated to another Officer position or serve in more than one (1) Officer position per Officer term.

2-6. *Budgetary Sign-Off Authority and Travel.* The ERB shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

- (a) Levels of budgetary sign-off authority for the ERB 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) ERB Officers shall have and be of an equal sign-off authority level.
 - (2) Two (2) ERB 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 ERB shall approve a member's request to travel by majority vote of the members in attendance at a regular or emergency meeting of an established quorum.

2-7. *Personnel.* Commencing the date these bylaws are adopted by the Oneida Business Committee and from that point forward, the ERB shall not have authority to hire staff for its benefit.

Article III. Meetings

3-1. *Regular Meetings.* The ERB shall hold regular meetings on the first and third Thursday of each month at the Ridgeview Plaza located in Oneida, WI, commencing at 6:00 p.m.

- (a) The first Thursday of each month may be for the conducting of regular ERB business, and the third Thursday of each month may include community meetings and outreach.
- (b) The meeting date, time and/or location may change from time-to-time as determined by the ERB upon notice 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.
 - (1) The meeting location shall be within the Reservation boundaries unless the entire ERB membership is notified in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law, of an off-Reservation meeting location prior to designating the meeting location.
- (c) The Secretary and/or Secretary's designee shall provide notice of meeting agendas, documents and minutes to all ERB members in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law, as well as these bylaws.
- (d) Meetings shall follow Robert's Rules of Order.

3-2. *Emergency Meetings.* An emergency meeting may be called when there is an imminent need to address conditions that threaten the conservation, environmental, and/or public health or safety of the Oneida Nation which cannot wait until the next scheduled meeting.

- (a) The Chairperson, or a majority of the ERB, may call an emergency meeting so long as the Secretary provides notice in writing and by telephone call to every ERB member of the emergency meeting no less than twenty-four (24) hours prior to such meeting.
 - (1) Notice of the emergency meeting shall further be provided to all members and the public in accordance with the Nation's Open Records and Open Meetings law.

- (2) Email notification must be sent to the official Oneida Nation email address that was provided to each member to conduct business electronically on behalf of the ERB.
 - (b) The Secretary or Secretary's designee shall provide notice of the emergency meeting agendas, documents and minutes as specified in section 2-4 of these bylaws.
 - (c) Within seventy-two (72) hours after an emergency meeting, the ERB 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 ERB and the Oneida Business Committee shall not be held.
- 3-4. *Quorum.* Five (5) members of the ERB must be present at any regular or emergency ERB meeting in order to constitute a quorum.
- (a) The ERB shall take no official action without a quorum present.
- 3-5. *Order of Business.* The ERB meeting agenda shall be set up as follows:
- (a) Call to Order
 - (b) Adopt the Agenda
 - (c) Approval of Minutes
 - (d) Old Business
 - (e) New Business
 - (f) Reports
 - (g) Other Business
 - (h) Executive Session
 - (i) Adjournment
- 3-6. *Voting.* Decisions of the ERB shall be by majority vote of the members present at a regular or emergency ERB meeting of an established quorum.
- (a) The Chairperson, or Officer presiding over the meeting in lieu of the Chairperson, shall not vote on matters at the ERB meetings, except in the event of a tie vote, in which case he or she shall cast the tie-breaking vote.
 - (b) E-polls are permissible so long as completed in accordance with the Boards, Committees and Commissions law.
 - (1) The Secretary shall serve as the Chairperson's designee for the responsibility of conducting an e-poll when the Chairperson is absent or unavailable.

Article IV. Expectations

4-1. *Behavior of Members.*

- (a) ERB members shall conduct themselves in accordance with the applicable behavioral expectations and requirements set forth in the Nation's Code of Ethics law and these bylaws.

(b) *Enforcement.* Violations of this or any section of these bylaws shall be enforced as follows:

- (1) Upon majority vote of the members in attendance at an ERB meeting of an established quorum, the ERB may make a recommendation to the Oneida Business Committee for the termination of a member's appointment in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.
- (2) The ERB may take action to discipline a member in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. *Prohibition of Violence.* Members of the ERB are prohibited from committing any violent intentional act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person or damage to property.

4-3. *Drug and Alcohol Use.* The use and/or consumption of any prohibited drugs or alcohol when acting in their official capacity as ERB members 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 ERB shall use social media in accordance with the Nation's Social Media Policy and their oath of office.

4-5. *Conflict of Interest.* Members of the ERB shall follow all laws and policies of the Nation governing conflicts of interest, including, but not limited to, the Conflict of Interest law.

Article V. Stipends and Compensation

5-1. *Stipends.* Members of the ERB shall receive the following stipends so long as in accordance with these bylaws; the Boards, Committees and Commissions law; and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26 -18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

- (a) One (1) meeting stipend per month, whether called as a regular or emergency meeting; provided:
 - (1) A quorum was established;
 - (2) The meeting of the established quorum lasted for at least one (1) hour; and
 - (3) The ERB member requesting the stipend was physically present for the entire meeting.
- (b) A stipend for each day of attendance at a conference or training; provided:

- (1) The ERB member attended a full day of training or was present at the conference for a full day; and
- (2) The ERB member's attendance at the training or conference was mandated by law, bylaws or resolution.
- (c) A stipend for attending a Judiciary hearing if the ERB member's attendance at the Judiciary hearing was required by official subpoena.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commission law, members of the ERB shall not be eligible for any other form of compensation for duties/activities they perform in relation to their membership on the ERB.

Article VI. Records and Reporting

6-1. *Agenda Items.* Agenda items shall consistently follow the format as specified in section 3-5 of these bylaws.

6-2. *Minutes.*

- (a) Minutes of the ERB shall be typed in the format set forth in section 3-5 of these bylaws and shall generate the most informative record of the ERB's meetings to include, but not be limited to:
 - (1) A summary of the actions taken by the ERB during the meeting;
 - (2) The ERB members who made motions and seconded motions; and
 - (2) The ERB members who voted for, against or abstained from voting on motions.
- (b) Within ten (10) business days of being approved, minutes shall be submitted by the ERB to the Oneida Business Committee Support Office for filing.

6-3. *Attachments.* All meeting handouts, reports, memorandum and the like shall be attached to their corresponding meeting agenda and minutes for filing on the network drive.

6-4. *Oneida Business Committee Liaison.* The ERB, through its Chairperson or Chairperson's designee, 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 ERB 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.
- (b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the ERB.

6-5. *Audio Recordings.* All meetings of the ERB shall be recorded with a standard portable audio recorder.

- (a) Audio recordings shall be maintained on the network in accordance with the Boards, Committees and Commissions law and the Open Records and Open Meetings law.

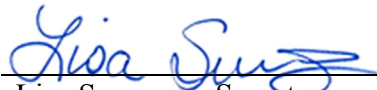
- (b) *Exception.* Audio recordings of executive session portions of an ERB meeting shall not be required.

Article VII. Amendments

7-1. *Amendments.* Amendments to these bylaws shall be approved by a majority vote of the members in attendance at an ERB 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 policy of the Nation.
- (b) Amendments to these bylaws shall be approved by the Oneida Business Committee before implementation.
- (c) The ERB shall conduct a review of these bylaws 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 23, 2019, by the Secretary of the Oneida Business Committee's signature.



Lisa Summers, Secretary
Oneida Business Committee