



Oneida Business Committee

Executive Session
8:30 AM Tuesday, March 10, 2020
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 AM Wednesday, March 11, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: 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

III. ADOPT THE AGENDA

IV. MINUTES

- A. **Approve the February 26, 2020, regular Business Committee meeting minutes**
Sponsor: Lisa Summers, Secretary

V. RESOLUTIONS

- A. **Adopt resolution entitled Authorizing the use of Self-Governance Carryover Funds to Purchase A Walk-Through Metal Detector for the Judiciary**
Sponsor: Jennifer Webster, Councilwoman
- B. **Adopt resolution entitled Boards, Committees, and Commissions Law emergency amendments**
Sponsor: David P. Jordan, Councilman
- C. **Approve two (2) actions regarding the resolution entitled Interpretation of General Tribal Council January 20, 2020 Economic Development and Fiscal Strategy Motion and Setting Implementation Procedures**
Sponsor: David P. Jordan, Councilman

VI. APPOINTMENTS

- A. Determine next steps regarding one (1) vacancy - Oneida Personnel Commission**
Sponsor: Lisa Summers, Secretary
- B. Determine next steps regarding five (5) Pro Tem vacancies - Oneida Personnel Commission**
Sponsor: Lisa Summers, Secretary

VII. STANDING COMMITTEES**A. LEGISLATIVE OPERATING COMMITTEE**

- 1. Accept the February 19, 2020, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
- 2. Accept the memorandum regarding the issues identified in the 2020 special election final report as information**
Sponsor: David P. Jordan, Councilman

VIII. TRAVEL REPORTS

- A. Approve the travel report - Councilman Kirby Metoxen - Chicago Travel & Adventure Show - Rosemont, IL - February 7-10, 2020**
Sponsor: Kirby Metoxen, Councilman
- B. Approve the travel report and determine next steps regarding action items - Secretary Lisa Summers - Tribal Caucus and GLITC Emergency Management Summit - Lac du Flambeau, WI - February 25-27, 2020**
Sponsor: Lisa Summers, Secretary

IX. TRAVEL REQUESTS

- A. Approve the travel request - Secretary Lisa Summers - M3 Meeting - Halifax, NS - May 19-23, 2020**
Sponsor: Lisa Summers, Secretary

X. NEW BUSINESS

- A. Approve the Oneida Trust Enrollment Committee/Oneida Business Committee Memorandum of Agreement**
Sponsor: Debbie Danforth, Chair/Oneida Trust Enrollment Committee
- B. Approve the amendment - Brown County Public Works Department project agreement - file # 2020-0203**
Sponsor: Debbie Thundercloud, General Manager

XI. GENERAL TRIBAL COUNCIL

- A. Acknowledge receipt of the 2020 annual report from the Oneida Nation Arts Board**
Sponsor: Lisa Summers, Secretary

XII. EXECUTIVE SESSION**A. REPORTS**

- 1. Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
- 2. Accept the General Manager report 8:30 a.m.**
Sponsor: Debbie Thundercloud, General Manager

B. AUDIT COMMITTEE

- 1. Accept the January 16, 2020, regular Audit Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
- 2. Accept the January 30, 2020, emergency Audit Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
- 3. Accept the Food Distribution performance assurance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
- 4. Accept the Medical Records performance assurance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
- 5. Accept the Oneida Pow-wow Committee performance assurance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
- 6. Accept the Information Technology FY-2018 compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
- 7. Accept the Four Card Poker rules of play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
- 8. Accept the Ultimate Texas Hold'em rules of play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

C. UNFINISHED BUSINESS

1. **Defer the Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution to the April 8, 2020, regular Business Committee meeting agenda 11:30 a.m.**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Excerpt from February 26, 2020: (1) Motion by Jennifer Webster to direct Joint Marketing to submit all their Standard Operating Procedures regarding Tickets & Merchandise Distribution to the March 10, 2020, regular Business Committee meeting agenda, seconded by Brandon Stevens. Motion carried. (2) Motion by Jennifer Webster to direct Joint Marketing to ensure a Standard Operating Procedure is in place regarding how excess merchandise will be managed and bring back within thirty (30) days, seconded by Ernie Stevens III. Motion carried.

2. **Approve the updated reorganization proposal and Gantt chart for Oneida Retail Enterprise 1:30 p.m.**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Excerpt from April 24, 2019: Motion by David P. Jordan to approve the reorganization proposal for Oneida Retail Enterprise, noting an implementation plan will be brought back when ready, seconded by Kirby Metoxen. Motion carried.

D. NEW BUSINESS

1. **Review applications for one (1) vacancy - Oneida Personnel Commission**
2. **Review applications for five (5) Pro Tem vacancies - Oneida Personnel Commission**

Sponsor: Lisa Summers, Secretary

Sponsor: Lisa Summers, Secretary

XIII. ADJOURN

Posted on the Oneida Nation's official website, 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/

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

Approve the February 26, 2020, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 03/11/20

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, February 25, 2020****Executive Conference Room, 2nd floor, Norbert Hill Center****Regular Meeting****8:30 AM Wednesday, February 26, 2020****BC Conference Room, 2nd floor, Norbert Hill Center****Minutes****EXECUTIVE SESSION**

Present: Chairman Tehassi Hill, Treasurer Trish King, Council members: Daniel Guzman King, Ernie Stevens III, Jennifer Webster;

Not Present: Secretary Lisa Summers, Council members: David P. Jordan, Kirby Metoxen;

Arrived at: Vice-Chairman Brandon Stevens at 8:38 a.m.;

Others present: James Bittorf, Larry Barton, Debbie Thundercloud, Lisa Liggins, Jeff Bowman, Nathan King, Jeff House, Becky Demmith, John Breuninger, Jeanne Calhoun, Robert Barton, Lisa Turpin, Eric McLester, Steve Loomis, Melinda J. Danforth, Candice Skenandore, Tamara VanSchyndel, Jason King, Jason Doxtator, Chad Fuss, James Sommerfeldt, Joanie Buckley, Kaylynn Gresham;

REGULAR MEETING

Present: Chairman Tehassi Hill, Treasurer Trish King, Council members: Daniel Guzman King, Ernie Stevens III, Jennifer Webster;

Not Present: Secretary Lisa Summers, Council members: David P. Jordan, Kirby Metoxen;

Arrived at: Vice-Chairman Brandon Stevens at 8:31 a.m.;

Others present: Bonnie Pigman, Clorissa Santiago, Chris Cornelius, Chaz Wheelock, Mark Powless, Tasheena Peters, Laura Manthe, Robin John, Carol Silva, Sandra Reveles, Xavier Horkman, Tonya Webster, Joshua Hicks, Carole Liggins;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:30 a.m.

For the record: Secretary Lisa Summers is attending the Tribal Caucus in Lac du Flambeau, WI. Council members David P. Jordan and Kirby Metoxen are on vacation.

Vice-Chairman Brandon Stevens arrived at 8:31 a.m.

II. OPENING (00:00:40)

Opening provided by Chairman Tehassi Hill.

A. Presentation of distribution to the Oneida Nation by Bay Bancorporation, Inc. (00:04:20)

Sponsor: David P. Jordan, Councilman

Nathan King, Vice-President of Bay Bank, presented a \$100,000 dividend to the Oneida Nation.

DRAFT

III. ADOPT THE AGENDA (00:07:13)

Motion by Brandon Stevens to adopt the agenda with one (1) change [add item IX.G. Approve the travel request in accordance with § 219.4-3.(c) and § 219.16.1 - Twenty-five (25) Oneida Hymn Singers - 2020 Dedication of the National Native American Veterans Memorial - Washington DC - November 9-13, 2020], seconded by Jennifer Webster. Motion carried:

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

IV. OATH OF OFFICE (00:07:59)

Oaths of office administered by Treasurer Trish King. James R. Skenandore Jr. was present.

- A. Oneida Environmental Resource Board - James R. Skenandore Jr.**
Sponsor: Lisa Summers, Secretary

V. MINUTES

- A. Approve the February 12, 2020, regular Business Committee meeting minutes (00:10:48)**
Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the February 12, 2020, regular Business Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

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

VI. RESOLUTIONS

- A. Approve resolution entitled Tobacco Law Emergency Amendments (00:11:15)**
Sponsor: David P. Jordan, Councilman

Motion by Brandon Stevens to adopt resolution 02-26-20-A Tobacco Law Emergency Amendments, seconded by Jennifer Webster. Motion carried:

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

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VII. STANDING COMMITTEES

A. FINANCE COMMITTEE

1. Accept the February 3, 2020, regular Finance Committee meeting minutes (00:12:46)

Sponsor: Trish King, Treasurer

For the record: Councilwoman Jennifer Webster stated I apologize for having to do this, but I have to because we're all supposed to be accountable. It's unfortunate that we don't have the Sanctions and Penalties [law]. If you look on the Finance Committee meeting minutes from February 3rd, we've got another unexcused [absence] from a council member. No show, no call, not even a courtesy call. I just...we just did an oath of office for somebody and we asked them to be accountable and I think we have to be accountable as well. Every employee has to be to work by 8 o'clock. This is a 9 o'clock meeting. After this meeting, we had an emergency meeting with ONCOA [Oneida Nation Commission on Aging], the council member was late for the ONCOA meeting besides skipping this meeting. It's got to stop. I just feel like I'm the mom having to scold her children. Chairman I'd like to ask you to do something about it.

For the record: Councilman Daniel Guzman King stated for clarification, this is the my first and only unexcused absence this term. I would have to apologize to the Committee for not calling or sending an e-mail. It was a personal matter; it came up last minute which I had to deal with. Yes, I missed one meeting and was late for another for personal issues. I'm not going to make any excuse for this unexcused absence, but it is my first. Councilwoman Webster has previously stated that I've missed meetings in the past, unexcused, but that is incorrect. The previous meeting I had missed, the Finance Committee meeting I had missed, I did call and e-mailed. I was in the hospital with my uncle as he was on his deathbed. I don't consider that unexcused. I do apologize for this matter. Thank you.

Motion by Jennifer Webster to accept the February 3, 2020, regular Finance Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

2. Accept the February 17, 2020, regular Finance Committee meeting minutes (00:17:52)

Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to accept the February 17, 2020, regular Finance Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

DRAFT**B. LEGISLATIVE OPERATING COMMITTEE****1. Accept the February 5, 2020, regular Legislative Operating Committee meeting minutes (00:18:21)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the February 5, 2020, regular Legislative Operating Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

VIII. TRAVEL REPORTS**A. Approve the travel report - Councilwoman Jennifer Webster - Tribal Self-Governance Advisory Committee (TSGAC)/SGAC - Washington DC - January 22-24, 2020 (00:18:52)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Brandon Stevens to approve the travel report from Councilwoman Jennifer Webster for the Tribal Self-Governance Advisory Committee (TSGAC)/SGAC in Washington DC - January 22-24, 2020, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Brandon Stevens, Ernie Stevens III

Abstained: Jennifer Webster

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

B. Approve the travel report - Councilwoman Jennifer Webster - Tribal Self-Governance Advisory Committee (TSGAC)/SGAC - Washington DC - September 30-October 2, 2019 (00:19:45)

Sponsor: Jennifer Webster, Councilwoman

Motion by Brandon Stevens to approve the travel report from Councilwoman Jennifer Webster for the Tribal Self-Governance Advisory Committee (TSGAC)/SGAC in Washington DC - September 30-October 2, 2019, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, Trish King, Brandon Stevens, Ernie Stevens III

Abstained: Jennifer Webster

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

C. Approve the travel report - Councilwoman Jennifer Webster - Administration of Children & Families Tribal Advisory Committee meeting - Washington DC - November 18-21, 2019 (00:20:17)

Sponsor: Jennifer Webster, Councilwoman

Motion by Brandon Stevens to approve the travel report from Councilwoman Jennifer Webster for the Administration of Children & Families Tribal Advisory Committee meeting - Washington DC - November 18-21, 2019, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Brandon Stevens, Ernie Stevens III

Abstained: Jennifer Webster

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

For the record: The costs for the travel associated with these three (3) reports [items VIII.A.-VIII.C.] were covered by federal agencies.

DRAFT**IX. TRAVEL REQUESTS**

- A. Approve the travel request - Treasurer Trish King - Treasury Tribal Advisory Committee Public Meeting - Washington DC - March 29-April 1, 2020 (00:21:30)**
Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to approve the travel request for Treasurer Trish King to attend the Treasury Tribal Advisory Committee Public Meeting in Washington DC - March 29-April 1, 2020, seconded by Brandon Stevens. Motion carried:

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

- B. Approve the travel request - Councilwoman Jennifer Webster - 2020 Tribal Self-Governance Conference - Burlingame, CA - April 25-May1, 2020 (00:22:09)**
Sponsor: Jennifer Webster, Councilwoman

Motion by Brandon Stevens to approve the travel request for Councilwoman Jennifer Webster to attend the 2020 Tribal Self-Governance Conference in Burlingame, CA - April 25-May1, 2020, seconded by Ernie Stevens III. Motion carried:

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

- C. Approve the travel request amendment - Up to four (4) BC members - 35th National Indian Gaming Association Tradeshow & Convention - San Diego, CA - March 23-27, 2020 (00:23:18)**
Sponsor: Ernie Stevens III, Councilman

Motion by Brandon Stevens to approve the travel request amendment for up to four (4) BC members to attend the 35th National Indian Gaming Association Tradeshow & Convention in San Diego, CA - March 23-27, 2020, seconded by Jennifer Webster. Motion carried:

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

- D. Approve two (2) actions regarding the travel request - Six (6) Oneida Nation Veterans Affairs Committee members - Washington University's 30th Annual Pow Wow - St. Louis, MO - April 10-12, 2020 (00:24:00)**
Sponsor: Gerald Corenlius, Chair/Oneida Nation Veterans Affair Committee

Motion by Brandon Stevens to approve the travel request in accordance with § 219.16-1. for six (6) Oneida Nation Veterans Affairs Committee members to attend the Washington University's 30th Annual Pow Wow in St. Louis, MO - April 10-12, 2020 and to approve the tribal vehicle passengers listed in the memorandum dated February 24, 2020, in accordance with § 210.6-3.(d)., seconded by Ernie Stevens III. Motion carried:

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

DRAFT

- E. Enter the e-poll results into the record regarding the travel request for Secretary Lisa Summers - Tribal Caucus (00:26:49)**
Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to enter the e-poll results into the record regarding the travel request for Secretary Lisa Summers - Tribal Caucus, seconded by Brandon Stevens. Motion carried:

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

- F. Enter the e-poll results into the record regarding the travel request for Vice-Chairman Brandon Stevens - Three (3) events (00:27:16)**
Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to enter the e-poll results into the record regarding the travel request for Vice-Chairman Brandon Stevens - Three (3) events, seconded by Daniel Guzman King. Motion carried:

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

- G. Approve the travel request in accordance with § 219.4-3.(c) and § 219.16.1 - Twenty-five (25) Oneida Hymn Singers - 2020 Dedication of the National Native American Veterans Memorial - Washington DC - November 9-13, 2020 (00:28:10)**
Sponsor:

Motion by Jennifer Webster to approve the travel request in accordance with the Oneida Travel and Expense Policy [§ 219.4-3.(c) and § 219.16-1.] for twenty (20) Oneida Hymn Singers to attend the 2020 Dedication of the National Native American Veterans Memorial in Washington DC - November 9-13, 2020, contingent upon the group being selected to preform at the event, seconded by Ernie Stevens III. Motion carried:

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

X. NEW BUSINESS

- A. Review the Title 31 (Chapter 17) Oneida Gaming Minimum Internal Controls and determine appropriate next steps (00:33:15)**
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 Title 31 (Chapter 17) approved by the Oneida Gaming Commission on January 21, 2020, and direct notice to the Oneida Gaming Commission there are no requested revisions under § 501.6-14(d), seconded by Daniel Guzman King. Motion carried:

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

DRAFT**B. Approve the Capital Project grant application (00:34:00)**

Sponsor: Ernie Stevens III, Councilman

Motion by Daniel Guzman King to approve the Capital Project grant application, nothing the contact will be changed to the General Manager, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

C. Approve the application for appointed boards, committees, and commissions (00:40:26)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the application for appointed boards, committees, and commissions, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

D. Approve the application for elected positions (00:42:58)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the application for elected positions, seconded by Trish King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

E. Consider request to reinstate the Oneida Land Claims Commission stipends (00:47:10)

Sponsor: Loretta V. Metoxen, Chair/Oneida Land Claims Commission

Motion by Daniel Guzman King to approve the request to reinstate¹ the Oneida Land Claims Commission stipends, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

¹ Chairman Tehassi Hill clarified this motion would reinstate the stipends moving forward; stipends earned between the date of the suspension through February 26, 2020, would continue to be withheld until the 2020 annual report is accepted by the General Tribal Council.

DRAFT

- F. Approve two (2) actions regarding funding for the Great Law Recital (01:04:51); (03:12:20)**
Sponsor: Brandon Stevens, Vice-Chairman

Motion by Brandon Stevens to approve the transfer of unused funds from Special Projects Budget – Constitutional Revision to be reallocated to the Oneida Longhouse and used to off-set the travel expenses for the Great Law representatives as well as funding for hosting the Great Law, to approve the correspondence to the Oneida Nation School Board for assistance in funding the Great Law Event, and to authorize the Vice-Chairman to sign [the correspondence], seconded by Jennifer Webster.
Motion not voted; item tabled.

Motion by Brandon Stevens to table this item until later in the meeting, seconded by Ernie Stevens III.
Motion carried:

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

Item X.G. is addressed next.

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

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

Motion by Ernie Stevens III to donate funds from the [OBC] Special Projects budget in the amount of \$3,000 to the Oneida Longhouse for Great Law Recital planning, seconded by Jennifer Webster.

Motion carried:

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

Item XII.C. is re-addressed next.

- G. Approve exception to resolution # BC-01-22-20-A – cancel the March 24, 2020 executive discussion Business Committee meeting and the March 25, 2020 regular Business Committee meeting (01:16:55)**
Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve exception to resolution # BC-01-22-20-A – cancel the March 24, 2020 executive discussion Business Committee meeting and the March 25, 2020 regular Business Committee meeting, seconded by Brandon Stevens. Motion carried:

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

Item XII.A. is addressed next.

DRAFT**XI. REPORTS (01:53:00)**

Motion by Ernie Stevens III to recess at 10:23 a.m. until 1:30 p.m., seconded by Brandon Stevens.
Motion carried:

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

Meeting called to order by Vice-Chairman Brandon Stevens at 1:31 p.m.

Roll call for the record:

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

A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS**1. Accept the Anna John Resident Centered Care Community Board FY-2020 1st quarter report (01:53:54)**

Sponsor: Candace House, Chair/Anna John Resident Centered Care Community Board

Motion by Jennifer Webster to accept the Anna John Resident Centered Care Community Board FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

2. Accept the Oneida Community Library Board FY-2020 1st quarter report (01:55:19)

Sponsor: Xavier Horkman, Chair/Oneida Community Library Board

Motion by Ernie Stevens III to accept the Oneida Community Library Board FY-2020 1st quarter report, seconded by Jennifer Webster. Motion carried:

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

3. Accept the Oneida Environmental Resource Board FY-2020 1st quarter report (01:57:21)

Sponsor: Marlene Garvey, Chair/Oneida Environmental Resource Board

Motion by Daniel Guzman King to accept the Oneida Environmental Resource Board FY-2020 1st quarter report, seconded by Trish King. Motion carried:

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

4. Accept the Oneida Nation Arts Board FY-2020 1st quarter report (02:00:00)

Sponsor: Dawn Walschinski, Chair/Oneida Nation Arts Board

Motion by Trish King to accept the Oneida Nation Arts Board FY-2020 1st quarter report, seconded by Jennifer Webster. Motion carried:

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

DRAFT**5. Accept the Oneida Nation Veterans Affairs Committee FY-2020 1st quarter report (02:03:30)**

Sponsor: Gerald Cornelius, Chair/Oneida Nation Veterans Affairs Committee

Motion by Jennifer Webster to accept the Oneida Nation Veterans Affairs Committee FY-2020 1st quarter report, seconded by Trish King. Motion carried:

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

6. Accept the Oneida Personnel Commission FY-2020 1st quarter report (02:05:45)

Sponsor: Sandra Skenandore, Chair/Oneida Personnel Commission

Motion by Trish King to accept the Oneida Personnel Commission FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

7. Accept the Oneida Police Commission FY-2020 1st quarter report (02:09:10)

Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by Jennifer Webster to accept the Oneida Police Commission FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

Vice-Chairman Brandon Stevens recessed the meeting at 1:51 p.m. for five (5) minutes.

Meeting called to order by Vice-Chairman Brandon Stevens at 1:59 a.m.

Roll call for the record:

Present: Councilman Daniel Guzman King; Treasurer Trish King; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Councilwoman Jennifer Webster;

Not Present: Chairman Tehassi Hill; Councilman David P. Jordan; Councilman Kirby Metoxen; Secretary Lisa Summers;

8. Accept the Oneida Pow-wow Committee FY-2020 1st quarter report (02:14:00)

Sponsor: Tonya Webster, Chair/Oneida Pow-wow Committee

Motion by Jennifer Webster to accept the Oneida Pow-wow Committee FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

9. Accept the Pardon & Forgiveness Screening Committee FY-2020 1st quarter report (02:15:15)

Sponsor: Eric Boulanger, Chair/Pardon & Forgiveness Screening Committee

Motion by Trish King to accept the Pardon & Forgiveness Screening Committee FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

DRAFT**10. Accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2020 1st quarter report (02:19:00)**

Sponsor: Kathryn LaRoque, Chair/Southeastern Wisconsin Oneida Tribal Services Advisory Board

Motion by Jennifer Webster to accept the Southeastern Wisconsin Oneida Tribal Services Advisory Board FY-2020 1st quarter report, seconded by Daniel Guzman King. Motion carried:

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

Item XI.B.3. is addressed next.

B. ELECTED BOARDS, COMMITTEES, COMMISSIONS**1. Accept the Oneida Election Board FY-2020 1st quarter report (02:43:15)**

Sponsor: Vicki Conelius, Chair/Oneida Election Board

Motion by Ernie Stevens III to accept the Oneida Election Board FY-2020 1st quarter report, seconded by Jennifer Webster. Motion carried:

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

Item XI.B.4. is addressed next.

2. Accept the Oneida Gaming Commission FY-2020 1st quarter report (02:41:30)

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

Motion by Brandon Stevens to accept the Oneida Gaming Commission FY-2020 1st quarter report, seconded by Daniel Guzman King. Motion carried:

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

Item XI.B.1. is addressed next.

3. Accept the Oneida Land Claims Commission FY-2020 1st quarter report (02:21:40)

Sponsor: Loretta V. Metoxen, Chair/Oneida Land Claims Commission

Chairman Tehassi Hill returned at 2:21 p.m. and assumed the role of the Chair.

Motion by Jennifer Webster to accept the Oneida Land Claims Commission FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

Item XI.B.2. is addressed next.

DRAFT**4. Accept the Oneida Land Commission FY-2020 1st quarter report (02:50:00)**

Sponsor: Rae Skenandore, Chair/Oneida Land Commission

Motion by Jennifer Webster to accept the Oneida Land Commission FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

5. Accept the Oneida Nation Commission on Aging FY-2020 1st quarter report (03:00:25)

Sponsor: Florence Petri, Chair/Oneida Nation Commission on Aging

Councilman Ernie Stevens III left at 2:47 p.m.

Councilman Ernie Stevens III returned at 2:50 p.m.

Motion by Daniel Guzman King to accept the Oneida Nation Commission on Aging FY-2020 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

6. Accept the Oneida Nation School Board FY-2020 1st quarter report (03:07:35)

Sponsor: Lisa Liggins, Chair/Oneida Nation School Board

Motion by Jennifer Webster to accept the Oneida Nation School Board FY-2020 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

7. Accept the Oneida Trust Enrollment Committee FY-2020 1st quarter report (03:10:00)

Sponsor: Debra J. Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Ernie Stevens III to accept the Oneida Trust Enrollment Committee FY-2020 1st quarter report, seconded by Daniel Guzman King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Item X.F. is re-addressed next.

DRAFT**C. CORPORATE BOARDS****1. Accept the Bay Bancorporation, Inc. FY-2020 1st quarter report (03:32:15)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Jennifer Webster to accept the Bay Bancorporation, Inc. FY-2020 1st quarter report, seconded by Trish King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

2. Accept the Oneida Seven Generations Corporation FY-2020 1st quarter report (03:35:15)

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

Motion by Jennifer Webster to accept the Oneida Seven Generations Corporation FY-2020 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

3. Accept the Oneida ESC Group, LLC. FY-2020 1st quarter report (03:37:10)

Sponsor: John Breuninger, Chair/Oneida ESC Group, LLC.

Motion by Trish King to accept the Oneida ESC Group, LLC. FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

4. Accept the Oneida Airport Hotel Corporation FY-2020 1st quarter report (03:39:40)

Sponsor: Robert Barton, President/Oneida Airport Hotel Corporation

Motion by Jennifer Webster to accept the Oneida Airport Hotel Corporation FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Item XI.E.1. is addressed next.

5. Accept the Oneida Golf Enterprise FY-2020 1st quarter report (03:46:15)

Sponsor: Eric McLester, Business Compliance Analyst

Motion by Brandon Stevens to accept the Oneida Golf Enterprise FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Item XIV. is addressed next.

DRAFT**D. STANDING COMMITTEES****1. Accept the Community Development Planning Committee FY-2020 1st quarter report (01:40:00)**

Sponsor: Ernie Stevens III, Councilman

Motion by Jennifer Webster to accept the Community Development Planning Committee FY-2020 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

2. Accept the Finance Committee FY-2020 1st quarter report (01:40:49)

Sponsor: Trish King, Treasurer

Motion by Ernie Stevens III to accept the Finance Committee FY-2020 1st quarter report, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

3. Accept the Legislative Operating Committee FY-2020 1st quarter report (01:41:24)

Sponsor: David P. Jordan, Councilman

Motion by Brandon Stevens to accept the Legislative Operating Committee FY-2020 1st quarter report, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

4. Accept the Quality of Life Committee FY-2020 1st quarter report (01:42:04)

Sponsor: Brandon Stevens, Vice-Chairman

Motion by Trish King to accept the Quality of Life Committee FY-2020 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Item XIII.A.1. is addressed next.

DRAFT**E. OTHER****1. Accept the Oneida Youth Leadership Institute FY-2020 1st quarter report (03:43:)**

Sponsor: Cheryl Stevens, Executive Manager/Oneida Youth Leadership Institute

Motion by Jennifer Webster to accept the Oneida Youth Leadership Institute FY-2020 1st quarter report, seconded by Trish King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Item XI.C.5. is addressed next.

XII. GENERAL TRIBAL COUNCIL**A. Reschedule the tentative 2020 semi-annual General Tribal Council meeting (01:18:45)**

Sponsor: Lisa Summers, Secretary

Councilman Ernie Stevens III left at 11:39 a.m.

Councilman Ernie Stevens III returned at 11:41 a.m.

Motion by Jennifer Webster to reschedule the tentative 2020 semi-annual General Tribal Council meeting from Monday July 20, 2020, at 6:00 p.m. to Monday, July 27, 2020, at 5:00 p.m., seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, Trish King, Brandon Stevens, Jennifer Webster

Abstained: Ernie Stevens III

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

B. Schedule a special Business Committee meeting on March 5, 2020, at 1:30 p.m. to approve the April 6, 2020, special GTC meeting notice and packet (01:23:43)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to schedule a special Business Committee meeting on March 5, 2020, at 1:30 p.m. to approve the April 6, 2020, special GTC meeting notice and packet, seconded by Trish King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

DRAFT**C. Approve two (2) requested actions - Petitioner Mike Debraska re: Increase GTC meeting stipend (01:25:10); (03:13:45)**

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to table this item until later in the meeting, seconded by Brandon Stevens. Motion carried:

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

Item XII.D. is addressed next.

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

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

Motion by Jennifer Webster to assign the petition to the semi-annual GTC meeting agenda tentatively scheduled on July 27, 2020, at 5:00 p.m., seconded by Trish King. Motion carried:

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

Motion by Trish King to direct the Law, Finance, and Legislative Reference Offices to complete and submit the legal review, fiscal impact statement, and statement of effect, respectively, to the Secretary by May 19, 2020, seconded by Daniel Guzman King. Motion carried:

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

Item XI.C.1. is addressed next.

D. Acknowledge receipt of the 2020 annual report from the Oneida Land Claims Commission (01:26:14)

Sponsor: Lisa Summers, Secretary

Motion by Brandon Stevens to acknowledge receipt of the 2020 annual report from the Oneida Land Claims Commission, seconded by Daniel Guzman King. Motion carried:

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

DRAFT**E. PETITIONER NANCY DALLAS****1. Accept the statement of effect - two (2) petitions (01:27:23)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the statement of effect - two (2) petitions, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

2. Accept the supplemental legal review - two (2) petitions (01:28:00)

Sponsor: Jo Anne House, Chief Counsel

Motion by Ernie Stevens III to accept the supplemental legal review - two (2) petitions, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

3. Accept the fiscal impact statement - two (2) petitions (01:28:28)

Sponsor: Larry Barton, Chief Financial Officer

Motion by Brandon Stevens to accept the fiscal impact statement - two (2) petitions, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

4. Accept the statement from the Community Development Planning Committee Chairman - two (2) petitions (01:29:04)

Sponsor: Ernie Stevens III, Councilman

Motion by Jennifer Webster to accept the statement from the Community Development Planning Committee Chairman - two (2) petitions, seconded by Daniel Guzman King. Motion withdrawn.

Motion by Jennifer Webster to defer the statement back to the Community Development Planning Committee Chairman to get input from the rest of the Community Development Planning Committee members, seconded by Daniel Guzman King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Item XI.D.1. is addressed next.

DRAFT**XIII. EXECUTIVE SESSION****A. REPORTS****1. Accept the Bay Bancorporation, Inc. FY-2020 1st quarter executive report (01:44:00)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by Brandon Stevens to accept the Bay Bancorporation, Inc. FY-2020 1st quarter executive report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

2. Accept the Oneida Seven Generations Corporation FY-2020 1st quarter executive report (01:44:17)

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

Motion by Brandon Stevens to accept the Oneida Seven Generations Corporation FY-2020 1st quarter executive report, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

For the record: Oneida Seven Generations Corporation was still in operation for this reporting period (September 2019-December 2019). Since then, the entity has been dissolved.

3. Accept the Oneida ESC Group, LLC. FY-2020 1st quarter executive report (01:44:50)

Sponsor: John L. Breuninger, Chair/Oneida ESC Group, LLC.

Motion by Ernie Stevens III to accept the Oneida ESC Group, LLC. FY-2020 1st quarter executive report, seconded by Trish King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

4. Accept the Oneida Airport Hotel Corporation FY-2020 1st quarter executive report (01:45:13)

Sponsor: Robert Barton, President/Oneida Airport Hotel Corporation Board

Motion by Jennifer Webster to accept the Oneida Airport Hotel Corporation FY-2020 1st quarter executive report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

DRAFT**5. Accept the Oneida Golf Enterprise FY-2020 1st quarter executive report (01:45:36)**

Sponsor: Eric McLester, Business Compliance Analyst

Motion by Trish King to accept the Oneida Golf Enterprise FY-2020 1st quarter executive report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

6. Accept the Emergency Management FY-2020 1st quarter executive report (01:45:55)

Sponsor: Kaylynn Gresham, Director/Emergency Management

Motion by Jennifer Webster to accept the Emergency Management FY-2020 1st quarter executive report, seconded by Trish King. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

7. Accept the Chief Financial Officer February 2020 report (01:46:17)

Sponsor: Larry Barton, Chief Financial Officer

Motion by Trish King to accept the Chief Financial Officer February 2020 report, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

8. Accept the Intergovernmental Affairs, Communications, and Self-Governance January 2020 report (01:46:35)

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Trish King to accept the Intergovernmental Affairs, Communications, and Self-Governance January 2020 report, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Motion by Jennifer Webster to approve the Section 105(I) lease packet and authorize the Chairman to sign the transmittal letter and the lease agreements and to direct Self-Governance to submit the signed lease packet to IHS, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

DRAFT**9. Accept the General Manager report (01:47:26)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Trish King to accept the General Manager report, seconded by Jennifer Webster. Motion carried:

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

10. Accept the Chief Counsel report (01:47:43)

Sponsor: Jo Anne House, Chief Counsel

Motion by Trish King to accept the Chief Counsel report, seconded by Jennifer Webster. Motion carried:

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

Motion by Trish King to approve the attorney contract addendum for Hobbs Straus Dean and Walker LLP – file # 2019-0522, seconded by Jennifer Webster. Motion carried:

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

B. AUDIT COMMITTEE**1. Accept the Audit Committee FY-2020 1st quarter report (01:48:19)**

Sponsor: David P. Jordan, Councilman

Motion by Trish King to accept the Audit Committee FY-2020 1st quarter report, seconded by Ernie Stevens III. Motion carried:

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

DRAFT**C. UNFINISHED BUSINESS****1. Determine next steps regarding the Tickets & Merchandise Distribution follow-up audit (01:48:42)**

Sponsor: OBC Officers

Motion by Jennifer Webster to direct Joint Marketing to submit all their Standard Operating Procedures regarding Tickets & Merchandise Distribution to the March 10, 2020, regular Business Committee meeting agenda, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Motion by Jennifer Webster to direct Joint Marketing to ensure a Standard Operating Procedure is in place regarding how excess merchandise will be managed and bring back within thirty (30) days, seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

2. Consider a recommendation from the OBC Officers pursuant to §105.7-4 (01:50:37)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to terminate the appointment of Lois Strong on the Oneida Police Commission pursuant to § 105.7-4 and post the vacancy, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Trish King, Brandon Stevens, Jennifer Webster

Abstained: Ernie Stevens III

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

D. NEW BUSINESS**1. Consider the request to expand the scope of the Surveillance System Replacement Project (01:51:15)**

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

Motion by Brandon Stevens to approve the requested expansion to the scope of the Surveillance System Project, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

2. Accept the update regarding BCDR-07 2020 annual project target # 2 (01:51:43)

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Jennifer Webster to approve the two (2) requested actions in the memorandum dated February 20, 2020, regarding BCDR-07 2020 annual project target # 2, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, Trish King, Brandon Stevens, Jennifer Webster

Abstained: Ernie Stevens III

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

DRAFT**3. Approve a limited waiver of sovereign immunity - Priority Agreement - file # 2019-1300 (01:52:19)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Trish King to approve a limited waiver of sovereign immunity - Priority Agreement - file # 2019-1300, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

4. Approve 107 new enrollments (01:52:46)

Sponsor: Debra J. Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Brandon Stevens to approve 107 new enrollments, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Item XI. is addressed next.

XIV. ADJOURN (03:49:40)

Motion by Trish King to adjourn at 3:35 p.m., seconded by Ernie Stevens III. Motion carried:

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

Not Present: David P. Jordan, Kirby Metoxen, Lisa Summers

Minutes prepared by Lisa Liggins, Information Management Specialist
Minutes approved as presented on _____.

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled Authorizing the use of Self-Governance Carryover Funds to Purchase A...

1. Meeting Date Requested: 03 / 11 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Adopted Resolution titled **Authorizing the use of Self-Governance Carryover Funds to Purchase A Walk-Through Metal Detector for the Judiciary**

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:

In late December, the Judiciary was informed of serious repetitive threats made against a staff member which involved the use of a deadly weapon. It was determined that in order to ensure the safety of the Community and staff, the Judiciary requires the immediate use of a walk-through metal detector.

Adoption of this resolution will authorize the use of general Self Governance carryover funds in the amount of \$3,853.15 be used to purchase a walk-through metal detector and a crowd control post at the Judiciary.

In accordance with BC Resolution 09-25-19-B Update State of Effect Requirement for Resolutions, a statement of effect is not needed for Self-Governance contract or compact resolutions.

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 # _____

Authorizing the use of Self-Governance Carryover Funds to Purchase A Walk-Through Metal Detector for the Judiciary

- 1
2
3
4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6
7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
8
9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
11
12 **WHEREAS,** it is the mission of the Oneida Nation to govern and protect the people, land, and resources
13 of the Oneida Nation; and
14
15 **WHEREAS,** the Oneida Nation has a compact and funding agreement with the Department of Interior's
16 Bureau of Indian Affairs (BIA) pursuant to Title IV of the Indian Self-Determination and
17 Education Assistance Act (P.L. 93-638); and
18
19 **WHEREAS,** Article III, Section 5 of the compact with the Department of Interior states that reallocation
20 of funds from one program, activity, function, or service to another within a General Budget
21 Category, or from one General Budget Category to another does not require Secretarial
22 consent; and
23
24 **WHEREAS,** in accordance with Section 2 of the funding agreement between the Oneida Nation and the
25 Department of Interior, the Oneida Nation has broad authority to reallocate funding
26 between programs; and
27
28 **WHEREAS,** the Oneida Nation has assumed the responsibility of providing Government and
29 Administrative services, including but not limited to Aid to Tribal Government and Law
30 Enforcement, pursuant to Section 2 of the funding agreement; and
31
32 **WHEREAS,** in late December, the Judiciary received correspondence from the Green Bay Police
33 Department stating that serious, repetitive threats were made against at least one member
34 of the Judicial staff and that threats included the use of a deadly weapon; and
35
36 **WHEREAS,** on January 8, 2020, Self-Governance, the Court Administrator, the Nation's Architect, and
37 the Court's Security met to discuss the safety concern and identify immediate
38 enhancements to the Judiciary; and
39
40 **WHEREAS,** it was determined that a walk-through metal detector was the Judiciary's greatest need to
41 ensuring that the Community and Judicial staff are safe when receiving and providing
42 judicial services; and
43

BC Resolution # _____

Authorizing the use of Self-Governance Carryover Funds to Purchase of A Walk-Through Metal Detector for the Judiciary
Page 2 of 2

WHEREAS, the walk-through metal detector is quoted at \$3,772.11 and the crowd control post that will direct patrons through the metal detector is quoted at \$81.04.

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee authorizes that Self-Governance carryover funds in the amount of \$3,853.15 be made available to purchase walk-through metal detector equipment for the Judiciary.

Oneida Business Committee Agenda Request


Adopt resolution entitled Boards, Committees, and Commissions Law emergency amendments

1. Meeting Date Requested: 3 / 11 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: March 11, 2020
RE: Boards, Committees, and Commissions Law Emergency Amendments

Please find the following attached backup documentation for your consideration of the Boards, Committees, and Commissions Law Emergency Amendments:

1. Resolution: Boards, Committees, and Commissions Law Emergency Amendments
2. Statement of Effect: Boards, Committees, and Commissions Law Emergency Amendments
3. Boards, Committees, and Commissions Law Emergency Amendments Legislative Analysis
4. Boards, Committees, and Commissions Law (Redline)
5. Boards, Committees, and Commissions Law (Clean)

Overview

An emergency amendment to the Boards, Committees, and Commission law (the “Law”) is being sought to provide that an employee of the Nation’s Internal Audit Department, Finance Administration, or Law Office shall not be eligible to serve on an appointed or elected entity due to the potential for a real or perceived conflict of interest to exist. [1 O.C. 105.15-3].

The potential for a real or perceived conflict of interest to exist for an employee of the Internal Audit Department, Finance Administration, and Law Office is due to the nature of employment in those areas. Employees of the Internal Audit Department, Finance Administration, or Law Office have access to confidential information which requires a higher level of professionalism and fiscal responsibilities than other areas.

Therefore, it is in the best interest of the Nation to recognize the potential for a conflict of interest to exist and amend the Law to restrict employee related actions on this matter to better protect the Nation from a potential conflict of interest.

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendments to this Law are necessary for the preservation of the general welfare of the Reservation population. The emergency amendments to the Law will ensure that the opportunity for any real or perceived conflict of interest of an employee of the Nation’s Internal

Audit Department, Finance Administration, or Law Office is eliminated before the March 2020 caucus for the July 2020 General Election. Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of this amendment would be contrary to public interest as the caucus will be held on March 14, 2020, and the General Election on July 4, 2020, and the process and requirements of the Legislative Procedures Act cannot be completed before then.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Requested Action

Approve the Resolution: Boards, Committees, and Commissions Law Emergency Amendments.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Boards, Committees, and Commissions Law Emergency Amendments

- 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 Boards, Committees, and Commissions law ("the Law") was adopted by the Oneida Business through resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-09-26-18-C; and
- WHEREAS,** the Law governs boards, committees, and commissions of the Nation, including 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; and
- WHEREAS,** on February 12, 2020, the Oneida Business Committee adopted a motion to request the Legislative Operating Committee to consider amendments to the Boards, Committees, and Commissions law as agreed upon at the February 3, 2020, joint meeting with the Oneida Land Commission; and
- WHEREAS,** an emergency amendment to the Law is being sought to provide that an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office shall not be eligible to serve on an appointed or elected entity due to the potential for a real or perceived conflict of interest to exist; and
- WHEREAS,** the potential for a real or perceived conflict of interest to exist for an employee of the Internal Audit Department, Finance Administration, and Law Office is based on the fact that employees of the Internal Audit Department, Finance Administration, or Law Office have access to confidential information which requires a higher level of professionalism and fiscal responsibilities than other areas; and
- WHEREAS,** it is in the best interest of the Nation to recognize this potential for a conflict of interest to exist and amend the Law to restrict employee actions on this matter to better protect the Nation from potential conflicts of interest; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation

population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and

WHEREAS, the emergency adoption of these amendments to the Law are necessary for the preservation of the general welfare of the Reservation population in order to ensure that any potential conflict of an employee of the Nation's Internal Audit Department, Finance Administration, and Law Office is eliminated prior to the March 14, 2020 caucus for the July 4, 2020 General Election; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest since they cannot be completed prior to the July 2020 Election; and

WHEREAS, the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Boards, Committees, and Commissions law are hereby adopted on an emergency basis and shall become effective immediately.

BE IT FINALLY RESOLVED, an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office that is currently serving on an appointed or elected board, committee, or commission of the Nation shall be allowed to complete his or her term.



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



Statement of Effect

Boards, Committees, and Commissions Law Emergency Amendments

Summary

This resolution adopts an emergency amendment to the Boards, Committees and Commissions law which provides that an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office shall not be eligible to serve on an appointed or elected entity due to the potential for a real or perceived conflict of interest to exist.

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

Date: March 4, 2020

Analysis by the Legislative Reference Office

This resolution adopts an emergency amendment to the Boards, Committees, and Commissions law ("the Law"). The purpose of the Law is to govern boards, committees, and commissions of the Nation, including 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. [1 O.C. 105.1-1].

The emergency amendment to the Law would provide that an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office shall not be eligible to serve on an appointed or elected entity due to the potential for a real or perceived conflict of interest to exist. [1 O.C. 105.15-3]. This provision is being added to the Law due to the fact that employees of the Internal Audit Department, Finance Administration, or Law Office have access to confidential information which requires a higher level of professionalism and fiscal responsibilities than other areas.

Therefore, it is in the best interest of the Nation to recognize this potential for a conflict of interest to exist and amend the Law to restrict employee actions on this matter to better protect the Nation from a potential conflict of interest.

This resolution also clarifies that an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office that is currently serving on an appointed or elected board, committee, or commission of the Nation shall be allowed to complete his or her term.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety or general welfare of the reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5].

On February 12, 2020, the Oneida Business Committee adopted a motion to request the Legislative Operating Committee to consider amendments to the Boards, Committees, and Commissions law

as agreed upon at the February 3, 2020, joint meeting with the Oneida Land Commission. The Oneida Business Committee is delegated the responsibility for determining if the emergency standard provided by the LPA is met. The resolution provides that an emergency amendment to the Law is necessary for the preservation of the general welfare of the Reservation population in order to ensure that any potential conflict of an employee of the Nation's Internal Audit Department, Finance Administration, and Law Office is eliminated prior to the March 14, 2020 caucus for the July 4, 2020 General Election.

Additionally, the resolution provides that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest. The timeframe for the July 2020 General Election activities would not allow for the process and requirements of the LPA to be completed prior to the election activities beginning.

The emergency amendments to the Law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

Determination of an emergency is a decision of the Oneida Business Committee based on the authority granted in the Legislative Procedures Act. Upon a determination that an emergency exists, adoption of this resolution would not conflict with any of the Nation's laws.



EMERGENCY AMENDMENTS TO BOARDS, COMMITTEES AND COMMISSIONS LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Proposed Amendments	To restrict employees of the following departments from serving on a board, committee or commission of the Nation due to the potential for a real or perceived conflict of interest: <ul style="list-style-type: none"> • Internal Audit Department • Finance Administration • Oneida Law Office 		
Purpose	To govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions... <i>[1 O.C. 105.1]</i>		
Affected Entities	Oneida Internal Audit Department, Oneida Finance Administration, Oneida Law Office, Oneida Election Board, Oneida Judiciary, Business Committee Support Office, and members of any Board, Committee or Commission of the Nation.		
Related Legislation	Oneida Election law, Oneida Code of Ethics, Oneida Conflict of Interest law.		
Public Meeting	A public meeting is not required for emergency legislation <i>[1 O.C. 109.8-1(b) and 9-5(a)]</i> .		
Fiscal Impact	A fiscal impact statement is not required for emergency legislation <i>[1 O.C. 109.9-5(a)]</i> .		
Expiration of Emergency Amendments	Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Boards, Committees and Commissions law was first adopted by the Oneida Business Committee on August 2, 1995, and most recently amended on September 26, 2018. On February 12, 2020, the Oneida Business Committee adopted a motion “to request the Legislative Operating Committee to consider amendments to the Boards, Committees and Commissions law as agreed upon at the February 3, 2020, joint meeting with the Oneida Land Commission.” The LOC added the law to the Active Files List on February 19, 2020.
- B. The proposed amendments address potential conflicts of interest for employees of certain departments of the Nation. The amendments add employees of the Nation’s Internal Audit Department, Finance Administration Office, and Law Office to the list of employees who cannot serve on a board, committee or commission of the Nation due to the potential for a real or perceived conflict of interest.
- C. Given the proximity to the upcoming 2020 Oneida General Election, the LOC proposes emergency amendments to update the Law prior to the general election caucus on March 14, 2020. The Oneida

Business Committee is responsible for determining if the standard for an emergency in accordance with the Legislative Procedures Act (LPA) has been met.

- D.** The Boards, Committees and Commissions law applies to the following entities of the Nation as provided for in Table 1. This Law does not apply to the Oneida Business Committee, standing committees of the Oneida Business Committee, corporate entities, or members of the Judiciary.

Table 1. Boards, Committees and Commissions of the Nation

ELECTED	APPOINTED
<ul style="list-style-type: none"> ▪ Oneida Election Board ▪ Oneida Gaming Commission ▪ Oneida Land Claims Commission ▪ Oneida Land Commission ▪ Oneida Nation Commission on Aging (ONCOA) ▪ Oneida Nation School Board ▪ Trust Enrollment Committee 	<ul style="list-style-type: none"> ▪ Anna John Resident Centered Care Community Board (AJRCC) ▪ Oneida Community Library Board ▪ Oneida Environmental Resource Board (ERB) ▪ Oneida Nation Arts Board ▪ Oneida Personnel Commission ▪ Oneida Police Commission ▪ Oneida Pow Wow Committee ▪ Oneida Nation Veterans Affairs Committee (ONVAC) ▪ Pardon and Screening Forgiveness Committee ▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)

SECTION 3. CONSULTATION AND OUTREACH

- A.** Representatives from the following departments or entities participated in the development of this Law and legislative analysis: Oneida Law Office.
- B.** The following laws were reviewed in the drafting of this analysis: Oneida Election law, Oneida Code of Ethics, Oneida Conflict of Interest law, Oneida Nation Gaming Ordinance.

SECTION 4. PROCESS

- A.** These amendments are being considered on an emergency basis. The Oneida Business Committee may temporarily enact an emergency law “where legislation is necessary for the immediate preservation of public health, safety, or general welfare of the reservation population and enactment or amendment of legislation is required sooner than would be possible under this law” [1 O.C. 109.9-5].
- B.** The LOC has concluded that observance of the requirements under the Legislative Procedures Act for the adoption of these amendments would be contrary to public interest as the caucus will be held on March 14, 2020, and the General Election on July 4, 2020, and the process and requirements of the Legislative Procedures Act cannot be completed before then.
- C.** Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period.
- D.** The LPA does not require a public meeting or fiscal impact statement when considering emergency legislation. However, a public meeting and fiscal impact statement will eventually be required when considering permanent adoption of these amendments.
- C.** The LOC added these emergency amendments to the Active Files List on February 19, 2020.

What is a Conflict of Interest?

“Conflict of interest” means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation. In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.” [1 O.C. 105.5-3(g)].

SECTION 5. CONTENTS OF THE LEGISLATION

A. *New Restriction on Oneida Nation Employees Serving on Boards, Committees and Commissions.*

The Boards, Committees and Commissions law states that certain employees of the Nation are not eligible to service on a board, committee or commission due to potential conflicts of interest [1 O.C. 102.15-3].

- **Current Restriction.** Currently, “political appointees” of the Nation, such as BC Member Assistants or the Chairperson’s Assistant, are not eligible to serve on a board, committee, or commission of the Nation. The Law already states that political appointees of the Nation are not eligible to serve on a board, committee or commission due to the potential for conflicts of interest
- **Proposed Restriction.** The emergency amendments expand this restriction to include additional employees. Under the proposed amendments, employees of the following Oneida Nation departments will not be eligible to serve on a board, committee or commission of the Nation:
 - Internal Audit Department;
 - Finance Administration; and
 - Law Office.
- **Number of Employees Impacted.** It is estimated that this new restriction will impact a total of approximately fifteen (15) positions within the organization:
 - At the time this analysis was drafted, the Internal Audit Department had ten (10) employees, the Oneida Law Office had ten (10) employees, and the Finance Administration Office had five (5) employees.
 - Nothing in this law limits the ability of any department of the Nation from placing their own restrictions and expectations within employment contracts, job descriptions, or standard operating procedures. As a result, there may be employees of the Nation who are already restricted from serving on a board, committee or commission outside of this Law.
- **Impact on Candidates for Elected Office.** The Nation’s Election law states that “No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election” [1 O.C. 102.5-3].
 - In other words, employees of these departments may still be nominated for office, run in an election and win election to a board, committee or commission. However, the winning

candidate would have to eliminate their conflict of interest prior to taking office by resigning their position within the Internal Audit Department, Finance Administration, or Law Office.

SECTION 6. EXISTING LEGISLATION

A. **References to Conflict of Interest in Other Laws.** The following laws of the Nation reference conflict of interest as it relates to employees and elected or appointed officials of the Nation. Employees and/or officials are already subject to the following provisions within other laws:

- **Conflict of Interest law.** The Conflict of Interest law applies to “all agents, elected officials, officers, political appointees, contractors, appointed and or elected members...” [2 O.C. 217.4-1]. This law requires employees and officials to disclose conflicts of interest:
 - “Failure to disclose a conflict of interest may result in removal in accordance with the Removal law, penalties pursuant to laws of the Nation regarding penalties, or termination of employment” [2 O.C. 217.6-2 & 217.6-3].
 - “When an existing conflict of interest is disclosed, no employee, elected official, or appointed official may participate in the selection, award or administration of a contract, including contracts supported by federal award and/or “any other prohibited activities identified in any other law, policy or rule of the Nation” [2 O.C. 217.7]
- **Conclusion:** There is no conflict between these amendments and the Nation’s Conflict of Interest law. Upon adoption of these amendments, serving on a board, committee or commission while being employed in the Nation’s Internal Audit, Finance Administration or Law Office will become a “prohibited activity identified in [a] law of the Nation” in accordance with the Conflict of Interest law.
- **Code of Ethics.** All government officials, including persons elected to serve on a board, committee or commission are subject to the Nation’s Code of Ethics law. The Code of Ethics law includes:
 - “A government official shall create and maintain an independent and honorable political system and shall observe high standards of conduct... including, but not limited to:” [1 O.C. 103.3-3(a)]
 - “Encouraging separation between departments or entities of tribal government, and should avoid contact or duty that violates such a separation.”
 - “Avoid participation in action or decision making (except where participation is in accordance with the traditions of the Tribe) that would present an appearance of conflict of interest or an actual conflict of interest.”
 - “A government official should disqualify themselves when their action or inaction might reasonably be questioned, including, but not limited to personal bias...” [1 O.C. 103.3-5]
 - “A government official shall regulate their extra governmental activities to minimize the risk of conflict with duties of their office.” [1 O.C. 103.3-6]
 - “Government officials may be subject to either removal, if elected, or termination, if appointed, for a violation of any part of this ethics code as it applies to them” [1 O.C. 103.6-1]
- **Conclusion:** There is no conflict between the proposed amendments and the Nation’s Code of Ethics law.

B. Restrictions on Employees in Current Bylaws. Boards, committees and commissions may place additional qualifications for membership within their bylaws. Bylaws are a document that provides a framework for the operation and management of a board, committee or commission. Examples of these qualifications include age, residency, education, and experience. Some boards already place restrictions on whether employees of the Oneida Nation may serve on their entity. Below is a review of current restrictions on employees. For a full review of qualifications for each entity, see each entity's bylaws.

Table 2. Restrictions on Employees in Current Bylaws.

Board, Committee or Commission	Employees who may not serve on that entity:
<i>Land Commission</i>	Employees of the Nation's Audit Department, Finance Department, Law Office "or other department associated with items (a) – (j) in section 1-3 of the Land Commission bylaws: <ul style="list-style-type: none"> • the Real Property law, • Leasing law, • Building Code, • Condominium Ordinance, • Zoning and Shoreland Protection law, • Eviction and Termination law, • Mortgage and Foreclosure law, • the Cemetery law, • and any other delegating law, policy, rule and/or resolution of the Nation Division Directors or Area Managers for the Oneida Nation, Independent contractor for Land Management or any other department of the Nation associated with items (a) – (j)
<i>Anna John Resident Centered Care Community Board</i>	Employees of Anna John Resident Centered Care Community.
<i>Oneida Community Library Board</i>	Employees or contractors of any Oneida Nation Library Branch.
<i>Oneida Environmental Resource Board (ERB)</i>	Employees of the Oneida Environmental Health, Safety and Land Division
<i>Oneida Nation Arts Board</i>	Employees of the Oneida Nation Arts Board.
<i>Oneida Personnel Commission</i>	Employees of the Oneida Nation.
<i>Oneida Police Commission</i>	Employees of the Oneida Police Department or individuals terminated from the Oneida Police Department.
<i>Oneida Land Claims Commission</i>	Shall not serve in the capacity of "consultant, contractor or attorney for the Land Claims Commission."

- C. **Restrictions on Employees in Current Laws.** The following laws of the Nation already restrict certain employees of the Nation from serving on certain boards, committees and commissions of the Nation:

Table 3. Restrictions on Employees in Other Laws of the Nation.

Law or Bylaw	Entity	Restrictions on Oneida Nation Employees
Oneida Law Enforcement Ordinance	Oneida Police Commission	"Must not be an employee of the Oneida Police Department" [3 O.C. 301.6-3(e)].
Oneida Nation Gaming Ordinance	Oneida Gaming Commission	"Commissioners shall perform duties... on a full-time basis... and may not, during tenure in office, be engaged in any other profession or business activity..." [5 O.C. 501.6-9].

SECTION 7. OTHER CONSIDERATIONS

- A. **Deadline for Permanent Adoption of Amendments.** The emergency amendments will expire six months after adoption and may be renewed for one additional six (6) month period.
- *Conclusion:* The LOC will need to develop and adopt permanent amendments to this law within the next six (6) to twelve (12) months.
- B. **Consider Restrictions on Other Departments or Positions.** These amendments restrict employees of the Internal Audit Department, Finance Administration and the Law Office from serving on an entity due to the potential for a real or perceived conflict of interest. However, there may be additional leadership positions or departments within the organization that may also have the potential for a conflict of interest. For example, the Land Commission's bylaws exclude all Area Managers or Directors from serving on that particular board.
- *Conclusion:* During development of permanent amendments to this law, the LOC should determine whether there are any additional positions or departments that should be restricted from serving on a board, committee or commission due to the potential for a real or perceived conflict of interest.
- C. **Consideration of Additional Amendments.** The emergency amendments are limited solely to restricting certain employees from serving on a board, committee or commission due to real or potential conflict of interest. However, there may be other areas of the law that could benefit from further amendments. In 2019, the Legislative Reference Office (LRO) completed a one-year review of the Boards, Committees and Commissions law. During this review, the LRO collected feedback from boards, committees and commissions for suggested amendments.
- *Conclusion:* During development of permanent amendments to this law, the LOC should review feedback received during the one-year review and consult with relevant boards, committees, commissions and the BC Support Office to identify any additional amendments.
- D. **Fiscal Impact.** A fiscal impact statement is not required for emergency legislation.
- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1].

Title 1. Government and Finances – Chapter 105
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on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

(c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.

(d) "Bylaws" means a document which provides a framework for the operation and management of a board, committee, or commission of the Nation chiefly for the government of its members and the regulation of its affairs.

(e) "Conference" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.

(f) "Confidential information" means all information or data, whether printed, written, or oral, concerning business or customers of the Nation, disclosed to, acquired by, or generated by a member of an entity in confidence at any time during their elected or appointed term or during their employment.

(g) "Conflict of interest" means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation. In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.

(h) "Entity" means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the Nation's membership.

(i) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(j) "Joint meeting" means a meeting with the Oneida Business Committee.

(k) "Nation" means the Oneida Nation.

(l) "Per Diem" means the payment made by the Nation to offset the costs of being on travel on behalf of the Oneida Nation.

(m) "Political appointee" means a person appointed by a member of the Oneida Business Committee to provide assistance with the Oneida Business Committee member's daily activities and operations.

(n) "Prohibited drugs" means 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.

(o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission

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for the betterment of the Nation.

(p) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all members of the entity; which is designated one (1) or more specific responsibilities on behalf of the entity.

(q) "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

(r) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. The goal is generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long-term.

(s) "Vacancy" means any position on any board, committee or commission caused by resignation, end of term, removal, termination, or creation of a new position.

105.4. Creation of an Entity

105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida Business Committee or General Tribal Council.

105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all powers and responsibilities delegated to the entity.

105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of the entity.

105.5. Applications

105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of the Nation. All application materials shall be available in the Business Committee Support Office and any other location specified by the Business Committee Support Office.

(a) All applications shall include:

(1) a statement explaining the attendance requirements of section 105.12-3; and

(2) a section regarding disclosures of conflicts of interest.

(b) An additional application form shall be required for those entities that require a background investigation. This background investigation application shall include the applicant's social security number and any other information required for a background investigation. The background investigation application shall be solely used for the background investigation and not included in the application materials that are then shared with the Oneida Business Committee, entity, and/or the Election Board.

105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of the deadline date.

105.5-3. Within eight (8) days after the posted deadline for filing applications the Business Committee Support Office shall notify all persons who have filed an application of the date his or her application was received and if his or her application met the deadline to be considered for the election or appointment.

105.5-4. Applications for elected positions shall be verified according to the Nation's laws and/or policies governing elections. Applications for appointed positions shall be verified by the Business Committee Support Office as needed or as required in the bylaws of the entity.

105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants after the deadline date has passed for appointed positions, the Oneida Business Committee may

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elect to:

- (a) include within the pool of appointed persons late applications, or
- (b) repost for an additional time period. In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

105.6. Vacancies

105.6-1. The manner by which an individual fills a vacancy, either through election or appointment, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

105.6-2. A position on an entity shall be considered vacant in the following situations:

- (a) *End of Term.* A vacancy is effective as of 4:30 p.m. of the last day of the month in which the term ends.

- (1) Although a position is considered vacant once the term ends, the member of the entity may remain in office until the member's 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 entity.

- (b) *Removal.* Removal is effective, pursuant to any law and/or policy of the Nation regarding removal.

- (c) *Termination of Appointment.* A termination is effective upon a two-thirds (2/3) majority vote of the Oneida Business Committee in favor of a member's termination of appointment.

- (d) *Resignation.* A resignation is effective upon:

- (1) Deliverance of a letter to the Business Committee Support Office and to the Chairperson of the entity, or designee; or
 - (2) Acceptance by motion of the entity of a verbal resignation.

- (e) *New Positions.* Vacancies on new entities are effective upon adoption of bylaws.

105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity learns that a position has or will become vacant. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee.

105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the Secretary. The Secretary shall request and receive approval from the Oneida Business Committee to post the notice of vacancy. The Business Committee Support Office shall post notice of vacancies at the following times:

- (a) *End of Term.* Automatically sixty (60) days prior to completion of the term.

- (b) *Removal.* No later than the next Oneida Business Committee meeting following the effective date of the removal.

- (c) *Resignation.* No later than the next Oneida Business Committee meeting following the Business Committee Support Office's receipt of notice of an effective resignation from the entity.

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

- (1) if not specified, immediately upon creation of entity or adoption of bylaws, whichever is later, or
 - (2) upon date specified when creating the entity.

- (e) *Termination of appointment.* No later than the next Oneida Business Committee meeting following the effective date of the termination.

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105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all official media outlets of the Nation, as determined by the Oneida Business Committee, as well as any other location deemed appropriate by the Secretary.

105.7. Appointment to an Entity

105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the applicant for an appointed position is selected:

(a) Within eight (8) business days after the posted deadline for submitting an application, or within twenty-one (21) days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the Business Committee Support Office shall:

(1) deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and

(2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made.

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may have until the executive session to review the application materials and provide the Oneida Business Committee a recommendation of an applicant for appointment.

(c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants, and any recommendation made by the Chairperson of the entity, during executive session. After completing a thorough discussion, the Oneida Business Committee shall:

(1) choose an applicant for appointment, or

(2) ask the Oneida Nation's Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.

(d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

(e) During the open session of the regular or special Oneida Business Committee meeting, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:

(1) accept the selected applicant and vote to appoint the individual to the vacant position, or

(2) reject the selected applicant and vote to oppose the appointment of the individual.

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee may

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direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida Business Committee meeting, the Nation's Secretary shall notify all applicants of the final status of their application.

(a) The Nation's Chairperson shall forward a list of all applicants to the Nation's Secretary and the final decision regarding the selection after the procedures for selection of an applicant described in section 105.7-1 are completed.

(b) The Nation's Secretary shall include on the notice to the applicant selected for appointment the following paragraph: "The Oneida Nation reports all income paid by the Oneida Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

(1) Delivery of an letter stating that the individual wishes to decline the appointment to the Business Committee Support Office; or

(2) The failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee.

(b) The Business Committee Support Office shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee.

(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.

(b) The Oneida Business Committee's decision to terminate an appointment is final and not subject to appeal.

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105.8. Election to an Entity

105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board, or petition for ballot placement, in accordance with the Nation's laws and/or policies governing elections, except where an entity's bylaws allow for a vacancy to be filled by appointment.

(a) When the Election Board notifies a petitioner or nominee that he or she is eligible to be placed on the ballot, the following paragraph shall be included: "The Oneida Nation reports all income paid by the Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.8-2. All other processes for the election of a member of an entity shall be as directed by the Nation's laws and/or policies governing elections.

105.9. Oath of Office

105.9-1. All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting. All rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Nation's Secretary shall notify the chosen persons when they shall appear for taking the oath.

(a) The appointed or elected member shall appear in person at the Oneida Business Committee meeting to take his or her oath, except if granted permission by the Secretary to appear by video conferencing equipment.

105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by the Business Committee Support Office.

105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath, shall be maintained by the Business Committee Support Office. Copies of the oath shall be forwarded to the new member of the entity and the entity.

105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and will strictly maintain confidential information. I will carry out the duties and responsibilities as a member of the [entity name], and all recommendations shall be made in the best interest of the Oneida Nation as a whole.

105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity aware of their duty to the Nation and as members of the entity.

105.10. Bylaws

105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless where General Tribal Council approval is additionally required.

(a) All existing entities must comply with this format and present bylaws for adoption within a reasonable time after creation of the entity, or within a reasonable time after

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294 adoption of this law.

295 (b) Bylaws must contain at least the minimum information required by law, although more
296 information is not prohibited.

297 (c) *Exception.* Task Forces and Ad Hoc Committees are excepted from the requirement
298 to have bylaws. However, these entities must have, at minimum, mission or goal
299 statements for completion of the task.

300 105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:

301 (a) Article I. Authority.

302 (b) Article II. Officers.

303 (c) Article III. Meetings.

304 (d) Article IV. Expectations.

305 (e) Article V. Stipends and Compensation.

306 (f) Article VI. Records and Reporting.

307 (g) Article VII. Amendments.

308 105.10-3. *Sections.* Articles shall be divided into "sections" as set out.

309 (a) "Article I. Authority" shall consist of the following:

310 (1) *Name.* The full name of the entity shall be stated, along with any short name
311 that will be officially used.

312 (2) *Establishment.* This section shall state the citation and name, if any, of the
313 creation document.

314 (3) *Authority.* This section shall state the purpose for which the entity was created
315 and what, if any, authority the entity is delegated.

316 (4) *Office.* There shall be listed the official office or post box of the entity.

317 (5) *Membership.* The following information shall be in this section:

318 (A) Number of members on the entity;

319 (B) If members on the entity are elected or appointed, and how a member
320 is elected or appointed;

321 (C) How vacancies are filled; and

322 (D) Qualifications for membership on the entity.

323 (i) In order to qualify for membership on an entity, a person shall
324 meet the minimum age requirements set forth for status as a
325 qualified voter of the Nation, unless a law, policy, or directive sets
326 forth a minimum age requirement.

327 (6) *Termination or Removal.* This section shall identify causes for termination or
328 removal, if any, in addition to those already identified in laws and/or policies of the
329 Nation.

330 (7) *Trainings and Conferences.* This section shall describe any trainings and/or
331 conferences that the entity deems necessary for members to responsibly serve the
332 entity, if any.

333 (b) "Article II. Officers" shall consist of the following:

334 (1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and
335 vice-chairperson positions of the entity. Other officer positions may also be created
336 here.

337 (2) *Responsibilities of the Chairperson.* Because of the importance of this position,
338 all duties and responsibilities of the chairperson, as well as limitations of the

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chairperson shall be specifically listed here.

(3) *Responsibilities of the Vice-Chairperson*. Because of the importance of this position, all duties and responsibilities of the vice-chairperson, as well as limitations of the vice-chairperson shall be specifically listed here.

(4) *Responsibilities of Additional Officers*. There may be additional sections as needed for every officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) *Selection of Officers*. This section shall identify how a member of the entity shall be selected for an official officer position in the entity.

(6) *Budgetary Sign-Off Authority and Travel*. This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and how the entity shall handle approving travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) *Personnel*. This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" shall consist of the following:

(1) *Regular meetings*. This section shall identify when and where regular meetings shall be held, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(2) *Emergency meetings*. This section shall identify what constitutes an emergency meeting, how emergency meetings shall be called, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

(3) *Joint Meetings*. This section shall identify if joint meetings shall be held, the frequency and location of joint meetings, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(4) *Quorum*. This section shall identify how many members of an entity create a quorum.

(5) *Order of Business*. This section sets out how the agenda will be set up.

(6) *Voting*. This section shall identify voting requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of an e-poll is permissible, who will serve as the Chairperson's designee for the responsibility of conducting an e-poll, if a designee is utilized.

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384 (d) "Article IV. Expectations" shall consist of the following information:

385 (1) *Behavior of Members*. This section shall identify the behavioral expectations
386 and requirements of a member of the entity, and identify how the entity shall
387 enforce these behavioral expectations.

388 (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act
389 committed by a member of the entity that inflicts, attempts to inflict, or threatens
390 to inflict emotional or bodily harm on another person, or damage to property, and
391 set forth any further expectations regarding the prohibition of violence.

392 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and
393 prohibited drugs for a member of an entity when acting in their official capacity,
394 and set forth any further expectations regarding the use of prohibited drugs and
395 alcohol.

396 (4) *Social Media*. This section shall identify expectations for the use of social
397 media in regards to official business of the entity.

398 (5) *Conflict of Interest*. This section shall state any standards and expectations
399 additional to those required by law of the Nation in regards to conflicts of interest
400 and how they are handled, as well as requirements related to prohibited activities
401 resulting from disclosed conflicts of interest, and means by which a party can
402 alleviate or mitigate the conflict of interest.

403 (e) "Article V. Stipends and Compensation" shall consist of the following information:

404 (1) *Stipends*. This section shall include a comprehensive list of all stipends
405 members are eligible to receive and the requirements for collecting each stipend, if
406 any in addition to those contained in this law.

407 (2) *Compensation*. This section shall include details regarding all other forms of
408 compensation members are eligible to receive and the requirements for collecting
409 such compensation, if any in addition to those contained in this law.

410 (f) "Article VI. Records and Reporting" shall consist of the following information:

411 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as
412 identified by this section.

413 (2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate
414 the most informative record of the meetings of the entity. This may include a
415 summary of action taken by the entity. This section shall identify the format for
416 minutes, and a reasonable timeframe by which minutes shall be submitted to the
417 Business Committee Support Office.

418 (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to
419 the minutes and agenda, or may be kept separately, provided that all materials can
420 be identified to the meeting in which they were presented. This section shall
421 identify how records of attachments shall be kept.

422 (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate with
423 the Oneida Business Committee member who is their designated liaison. This
424 section shall identify a format and frequency for communication which may be as
425 the liaison and entity agree to, but not less than that required in any law or policy
426 on reporting developed by the Oneida Business Committee or Oneida General
427 Tribal Council. The purpose of the liaison relationship is to uphold the ability of
428 the liaison to act as a support to that entity.

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(5) *Audio Recordings*. An entity shall audio record all meetings. This section shall state how the entity shall audio record meetings, and how the entity shall maintain the audio records.

(A) *Exception*. Audio recordings of executive session portions of a meeting shall not be required.

(g) "Article VII. Amendments" consists of:

(1) *Amendments to Bylaws*. This section shall describe how amendments to the bylaws are made. Any amendments to bylaws shall conform to the requirements of this and any other policy of the Nation. Amendments to bylaws shall be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation.

105.11. Electronic Polling

105.11-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.11-2. *Conducting an E-Poll*. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail address of the entity. The e-poll's message shall include the following information:

(a) The e-mail subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.

(b) The body of the e-poll shall contain the following elements:

(1) An executive summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity;

(2) A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action;"

(3) All attachments in *.pdf format, which are necessary to understand the request being made; and

(4) A deadline date for a response to be returned regarding the results of the electronic poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response."

(A) E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

(B) The time frame for responses shall be determined by the Secretary of the entity, or designee, based on urgency, scheduling, and any other pertinent factors.

105.11-3. *Response to an E-Poll*. A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

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(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and his or her response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a vote.

105.12. Reporting Requirements

105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office within a reasonable time after approval by the entity, as identified in the entity's bylaws.

(a) Actions taken by an entity are valid upon approval of the action by vote, unless the bylaws of the entity otherwise require minutes to be approved by the entity before the actions are valid.

(b) Minutes shall be filed according to this section, and any specific directions within approved bylaws.

(c) No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the bylaws of that entity.

105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an entity shall be submitted to the Business Committee Support Office, where they shall be kept on file.

105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly reports to the Oneida Business Committee in accordance with the quarterly reporting schedule approved by the Oneida Business Committee. All quarterly reports shall be approved by official entity action before they are submitted. The quarterly reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

(a) *Contact Information.* The name of the entity, the member submitting the report, the Oneida Business Committee liaison; and a list of the members and their titles, term expiration dates and contact information.

(b) *Meetings.* When and how often the entity is holding meetings and whether any emergency meetings have been held.

(1) If emergency meetings were held, the report shall indicate the basis of the emergency for each meeting.

(c) *Accomplishments.* Details of what the entity has accomplished that quarter, including any special events held during the reporting period and any travel by the members and/or staff.

(d) *Goals.* Details of both the entity's long term goals, the entity's goals for the next quarter, and projected quarterly activities.

(e) *Budget.* The amount of the entity's budget, the status of the budget at that quarter, the

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amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, and projected budgetary uses for the next quarter.

(f) *Requests*. Details of any requests to the Oneida Business Committee.

(g) *Other*. And any other information deemed appropriate by the entity, as well as any other information required by a law or policy of the Nation.

105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall provide annual reports to the Oneida General Tribal Council based on their activities during the previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee.

(a) Annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

(b) Each entity with oversight of a department shall also submit annual and semi-annual reports for each department the entity oversees.

105.12-5. Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

105.13. Stipends, Reimbursement and Compensation

105.13-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this section and according to procedures for payment as set out by the Nation, unless otherwise declined by the entity through its bylaws, or declined by a member.

105.13-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending the resolution. Stipends are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

105.13-3. *Meeting Stipends*. A member of an entity shall only receive a meeting stipend for a regular or emergency meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

(a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity shall be paid no more than one (1) meeting stipend per month.

(b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity shall be paid no more than two (2) meeting stipends per month.

105.13-4. *Joint Meeting Stipends*. A member of an entity shall only receive a stipend for a joint meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

(a) An individual shall receive a stipend for his or her attendance at a duly called joint meeting.

(1) A joint meeting stipend does not count towards the limitation on meeting stipends as provided for in section 105.13-3(a)-(b).

105.13-5. *Oneida Judiciary Hearings*. A member of an entity shall receive a Judiciary hearing stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

105.13-6. *Hearings of an Entity*. A member of an entity that maintains hearing authority may obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of

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all functions related to the resolution of the matter notwithstanding the amount of time it takes to resolve the matter, including, but not limited to, any continuations of the hearing and decision drafting.

105.13-7. *Other Stipends*. The Oneida Business Committee shall determine if, and when, any other stipends are appropriate to compensate members of entities for their official actions. All possible stipends shall be included in the Oneida Business Committee resolution which sets stipend amounts.

105.13-8. *Conferences and Training*. A member of any entity, elected or appointed, shall be reimbursed in accordance with the Nation's policy for travel and per diem, for attending a conference or training. Provided that:

(a) A member shall be eligible for a stipend for each full day the member is present at the conference or training, when attendance at the conference or training is required by law, bylaw or resolution.

(b) A member shall not be eligible for a conference and training stipend if that training is not required by law, bylaw or resolution.

(c) No stipend payments shall be made for those days spent traveling to and from the conference or training.

105.13-9. *Business Expenses*. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

105.13-10. *Task Force and Ad Hoc Subcommittees*. Members of task force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.14. Confidential Information

105.14-1. All members of an entity shall maintain in a confidential manner all information obtained through their position on the entity. The Nation requires that all members of an entity who have access to the Nation's confidential information be subject to specific limitations in order to protect the interest of the Nation and ensure that no persons engaged in by the Nation, nor their relatives or associates, benefit from the use of confidential information.

(a) Confidential information shall be considered and kept as the private and privileged records of the Nation and will not be divulged to any person, firm, corporation, or other entity except by direct written authorization of the Oneida Business Committee.

(b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of such information. Such restriction continues after termination of the relationship with the Nation and the entity.

(c) Upon completion or termination of his or her elected or appointed term of membership in an entity, for any cause whatsoever, the member of the entity will surrender to the Nation, in good condition, all records kept by the member of the entity.

(d) No member of an entity shall disclose confidential information acquired by reason of his other relationship or status with the Nation for his or her personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

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105.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and can only be removed or destroyed by approval from a majority vote of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Nation's laws and policies regarding open records and open meetings.

105.14-3. *Official Oneida Nation E-mail Address.* Each member of an entity shall be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.

(a) If a member is also an employee of the Nation, he or she shall receive a separate e-mail address from his or her regular work e-mail address.

(b) A member of an entity shall sign an acknowledgment form provided by the Nation's Secretary indicating notice of the Nation's applicable computer and media related laws, policies and rules. The Nation's Secretary shall maintain a record of all such acknowledgment forms.

(c) A member of an entity shall not use any personal or work e-mail address to electronically conduct any business of the entity.

(d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall instruct the Management Information Systems department to disable the e-mail address for the member having vacated the position.

105.15. Conflicts of Interest

105.15-1. All members of an entity are required to adhere to the Nation's laws and policies governing conflicts of interest.

105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's Secretary on an annual basis.

(a) Upon receiving information of a potential conflict of interest, the Nation's Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Nation regarding the status of the official.

105.15-3. *Ineligibility Due to Conflicts of Interest.* Due to the potential for a real or perceived conflict of interest to exist, ~~political appointees~~ the following individuals shall not be eligible to serve on an appointed or elected entity:

(a) political appointees; and

(b) an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office.

105.16. Use of the Nation's Assets

105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with Generally Accepted Accounting Principles.

105.16-2. Each member of an entity shall comply with the system of internal accounting controls sufficient to provide assurances that:

(a) all transactions are executed in accordance with management's authorization; and

(b) access to assets is permitted only in accordance with management's authorization; and

(c) all transactions are recorded to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles or other applicable criteria.

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105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall be immediately reported to the Internal Audit department. If the Internal Audit department finds evidence of noncompliance they shall notify the Oneida Law Office, who will then make a determination of further action to be taken, if any.

105.17. Dissolution of an Entity

105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Business Committee Support Office for proper disposal within two (2) weeks of the dissolution.

105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee.

105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee shall provide the entity written notice of the dissolution.

105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved entities shall be responsible for closing out open business of the entity and forwarding all materials and records to the Business Committee Support Office for proper storage and disposal within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee Support Office may utilize the assistance of the Records Management Department and/or any other appropriate department for the storage and disposal of the records and materials.

(a) The entity may request the Oneida Business Committee to grant a one (1) week extension of the time allowed to close out open business of the entity and forward all materials and records to the Business Committee Support Office.

105.18. Enforcement

105.18-1. Any member of an entity found to be in violation of this law may be subject to:

(a) sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties;

(b) removal pursuant to any laws or policies of the Nation's governing removal, if the individual is a member of an elected entity; or

(c) termination of appointment by the Oneida Business Committee, if the individual is a member of an appointed entity.

End.

Adopted - BC-08-02-95-A

Amended - BC-05-14-97-F

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

Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

Amended - BC-09-22-10-C

Amended - BC-09-26-18-C

Emergency Amended - BC- - - - -

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

105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
105.3. Definitions
105.4. Creation of an Entity
105.5. Applications
105.6. Vacancies
105.7. Appointment to an Entity
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105.14. Confidential Information
105.15. Conflicts of Interest
105.16. Use of the Nation's Assets
105.17. Dissolution of an Entity
105.18. Enforcement

105.1. Purpose and Policy

105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the Nation, including 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.

(a) This law shall not apply to the Oneida Business Committee, or Standing Committees of the Oneida Business Committee.

(b) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

105.2. Adoption, Amendment, Repeal

105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C, and BC-__-__-__-__.

105.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. 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.

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

105.3. Definitions

105.3-1. 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) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

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(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

(c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.

(d) "Bylaws" means a document which provides a framework for the operation and management of a board, committee, or commission of the Nation chiefly for the government of its members and the regulation of its affairs.

(e) "Conference" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.

(f) "Confidential information" means all information or data, whether printed, written, or oral, concerning business or customers of the Nation, disclosed to, acquired by, or generated by a member of an entity in confidence at any time during their elected or appointed term or during their employment.

(g) "Conflict of interest" means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation. In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.

(h) "Entity" means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the Nation's membership.

(i) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(j) "Joint meeting" means a meeting with the Oneida Business Committee.

(k) "Nation" means the Oneida Nation.

(l) "Per Diem" means the payment made by the Nation to offset the costs of being on travel on behalf of the Oneida Nation.

(m) "Political appointee" means a person appointed by a member of the Oneida Business Committee to provide assistance with the Oneida Business Committee member's daily activities and operations.

(n) "Prohibited drugs" means 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.

(o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation.

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(p) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all members of the entity; which is designated one (1) or more specific responsibilities on behalf of the entity.

(q) "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

(r) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. The goal is generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long-term.

(s) "Vacancy" means any position on any board, committee or commission caused by resignation, end of term, removal, termination, or creation of a new position.

105.4. Creation of an Entity

105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida Business Committee or General Tribal Council.

105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all powers and responsibilities delegated to the entity.

105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of the entity.

105.5. Applications

105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of the Nation. All application materials shall be available in the Business Committee Support Office and any other location specified by the Business Committee Support Office.

(a) All applications shall include:

(1) a statement explaining the attendance requirements of section 105.12-3; and

(2) a section regarding disclosures of conflicts of interest.

(b) An additional application form shall be required for those entities that require a background investigation. This background investigation application shall include the applicant's social security number and any other information required for a background investigation. The background investigation application shall be solely used for the background investigation and not included in the application materials that are then shared with the Oneida Business Committee, entity, and/or the Election Board.

105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of the deadline date.

105.5-3. Within eight (8) days after the posted deadline for filing applications the Business Committee Support Office shall notify all persons who have filed an application of the date his or her application was received and if his or her application met the deadline to be considered for the election or appointment.

105.5-4. Applications for elected positions shall be verified according to the Nation's laws and/or policies governing elections. Applications for appointed positions shall be verified by the Business Committee Support Office as needed or as required in the bylaws of the entity.

105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants after the deadline date has passed for appointed positions, the Oneida Business Committee may elect to:

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- 124 (a) include within the pool of appointed persons late applications, or
125 (b) repost for an additional time period. In the event of reposting, prior applicants will
126 be considered to have filed applications within the deadline period.
127

105.6. Vacancies

128
129 105.6-1. The manner by which an individual fills a vacancy, either through election or
130 appointment, shall determine that member's status as an appointed or elected official, despite the
131 entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

132 105.6-2. A position on an entity shall be considered vacant in the following situations:

- 133 (a) *End of Term*. A vacancy is effective as of 4:30 p.m. of the last day of the month in
134 which the term ends.

135 (1) Although a position is considered vacant once the term ends, the member of
136 the entity may remain in office until the member's successor has been sworn in by
137 the Oneida Business Committee in an effort to prevent a discontinuation of
138 business or a loss of quorum for the entity.

- 139 (b) *Removal*. Removal is effective, pursuant to any law and/or policy of the Nation
140 regarding removal.

- 141 (c) *Termination of Appointment*. A termination is effective upon a two-thirds (2/3)
142 majority vote of the Oneida Business Committee in favor of a member's termination of
143 appointment.

- 144 (d) *Resignation*. A resignation is effective upon:

145 (1) Deliverance of a letter to the Business Committee Support Office and to the
146 Chairperson of the entity, or designee; or

147 (2) Acceptance by motion of the entity of a verbal resignation.

- 148 (e) *New Positions*. Vacancies on new entities are effective upon adoption of bylaws.

149 105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity
150 learns that a position has or will become vacant. All notices of vacancy shall be sent to the
151 entities for clarification or confirmation prior to notification to the Oneida Business Committee.

152 105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the
153 Secretary. The Secretary shall request and receive approval from the Oneida Business
154 Committee to post the notice of vacancy. The Business Committee Support Office shall post
155 notice of vacancies at the following times:

- 156 (a) *End of Term*. Automatically sixty (60) days prior to completion of the term.

- 157 (b) *Removal*. No later than the next Oneida Business Committee meeting following the
158 effective date of the removal.

- 159 (c) *Resignation*. No later than the next Oneida Business Committee meeting following
160 the Business Committee Support Office's receipt of notice of an effective resignation
161 from the entity.

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

163 (1) if not specified, immediately upon creation of entity or adoption of bylaws,
164 whichever is later, or

165 (2) upon date specified when creating the entity.

- 166 (e) *Termination of appointment*. No later than the next Oneida Business Committee
167 meeting following the effective date of the termination.

168 105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all

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official media outlets of the Nation, as determined by the Oneida Business Committee, as well as any other location deemed appropriate by the Secretary.

105.7. Appointment to an Entity

105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the applicant for an appointed position is selected:

(a) Within eight (8) business days after the posted deadline for submitting an application, or within twenty-one (21) days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the Business Committee Support Office shall:

(1) deliver all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and

(2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made.

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may have until the executive session to review the application materials and provide the Oneida Business Committee a recommendation of an applicant for appointment.

(c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants, and any recommendation made by the Chairperson of the entity, during executive session. After completing a thorough discussion, the Oneida Business Committee shall:

(1) choose an applicant for appointment, or

(2) ask the Oneida Nation's Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.

(d) All appointments shall be made by the Oneida Business Committee during the open session of a regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

(e) During the open session of the regular or special Oneida Business Committee meeting, a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:

(1) accept the selected applicant and vote to appoint the individual to the vacant position, or

(2) reject the selected applicant and vote to oppose the appointment of the individual.

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section,

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all applications from the first posting shall be considered to have been filed within the deadline period.

105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida Business Committee meeting, the Nation's Secretary shall notify all applicants of the final status of their application.

(a) The Nation's Chairperson shall forward a list of all applicants to the Nation's Secretary and the final decision regarding the selection after the procedures for selection of an applicant described in section 105.7-1 are completed.

(b) The Nation's Secretary shall include on the notice to the applicant selected for appointment the following paragraph: "The Oneida Nation reports all income paid by the Oneida Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.

(a) An individual may decline an appointment to an entity in the following ways:

(1) Delivery of an letter stating that the individual wishes to decline the appointment to the Business Committee Support Office; or

(2) The failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee.

(b) The Business Committee Support Office shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-1 to select another applicant for appointment.

105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee.

(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.

(b) The Oneida Business Committee's decision to terminate an appointment is final and not subject to appeal.

105.8. Election to an Entity

105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board, or petition for ballot placement, in accordance with the Nation's laws and/or policies governing elections, except where an entity's bylaws allow for a vacancy to be filled by appointment.

(a) When the Election Board notifies a petitioner or nominee that he or she is eligible to be placed on the ballot, the following paragraph shall be included: "The Oneida Nation reports all income paid by the Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.8-2. All other processes for the election of a member of an entity shall be as directed by the Nation's laws and/or policies governing elections.

105.9. Oath of Office

105.9-1. All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting. All rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Nation's Secretary shall notify the chosen persons when they shall appear for taking the oath.

(a) The appointed or elected member shall appear in person at the Oneida Business Committee meeting to take his or her oath, except if granted permission by the Secretary to appear by video conferencing equipment.

105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by the Business Committee Support Office.

105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath, shall be maintained by the Business Committee Support Office. Copies of the oath shall be forwarded to the new member of the entity and the entity.

105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and will strictly maintain confidential information. I will carry out the duties and responsibilities as a member of the [entity name], and all recommendations shall be made in the best interest of the Oneida Nation as a whole.

105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity aware of their duty to the Nation and as members of the entity.

105.10. Bylaws

105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless where General Tribal Council approval is additionally required.

(a) All existing entities must comply with this format and present bylaws for adoption

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within a reasonable time after creation of the entity, or within a reasonable time after adoption of this law.

(b) Bylaws must contain at least the minimum information required by law, although more information is not prohibited.

(c) *Exception.* Task Forces and Ad Hoc Committees are excepted from the requirement to have bylaws. However, these entities must have, at minimum, mission or goal statements for completion of the task.

105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:

(a) Article I. Authority.

(b) Article II. Officers.

(c) Article III. Meetings.

(d) Article IV. Expectations.

(e) Article V. Stipends and Compensation.

(f) Article VI. Records and Reporting.

(g) Article VII. Amendments.

105.10-3. *Sections.* Articles shall be divided into "sections" as set out.

(a) "Article I. Authority" shall consist of the following:

(1) *Name.* The full name of the entity shall be stated, along with any short name that will be officially used.

(2) *Establishment.* This section shall state the citation and name, if any, of the creation document.

(3) *Authority.* This section shall state the purpose for which the entity was created and what, if any, authority the entity is delegated.

(4) *Office.* There shall be listed the official office or post box of the entity.

(5) *Membership.* The following information shall be in this section:

(A) Number of members on the entity;

(B) If members on the entity are elected or appointed, and how a member is elected or appointed;

(C) How vacancies are filled; and

(D) Qualifications for membership on the entity.

(i) In order to qualify for membership on an entity, a person shall meet the minimum age requirements set forth for status as a qualified voter of the Nation, unless a law, policy, or directive sets forth a minimum age requirement.

(6) *Termination or Removal.* This section shall identify causes for termination or removal, if any, in addition to those already identified in laws and/or policies of the Nation.

(7) *Trainings and Conferences.* This section shall describe any trainings and/or conferences that the entity deems necessary for members to responsibly serve the entity, if any.

(b) "Article II. Officers" shall consist of the following:

(1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and vice-chairperson positions of the entity. Other officer positions may also be created here.

(2) *Responsibilities of the Chairperson.* Because of the importance of this

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position, all duties and responsibilities of the chairperson, as well as limitations of the chairperson shall be specifically listed here.

(3) *Responsibilities of the Vice-Chairperson.* Because of the importance of this position, all duties and responsibilities of the vice-chairperson, as well as limitations of the vice-chairperson shall be specifically listed here.

(4) *Responsibilities of Additional Officers.* There may be additional sections as needed for every officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) *Selection of Officers.* This section shall identify how a member of the entity shall be selected for an official officer position in the entity.

(6) *Budgetary Sign-Off Authority and Travel.* This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and how the entity shall handle approving travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) *Personnel.* This section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" shall consist of the following:

(1) *Regular meetings.* This section shall identify when and where regular meetings shall be held, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(2) *Emergency meetings.* This section shall identify what constitutes an emergency meeting, how emergency meetings shall be called, and how the entity shall provide notice of the emergency meeting.

(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

(3) *Joint Meetings.* This section shall identify if joint meetings shall be held, the frequency and location of joint meetings, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(4) *Quorum.* This section shall identify how many members of an entity create a quorum.

(5) *Order of Business.* This section sets out how the agenda will be set up.

(6) *Voting.* This section shall identify voting requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of and e-poll is permissible, who will serve as the

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384 Chairperson's designee for the responsibility of conducting an e-poll, if a
385 designee is utilized.

386 (d) "Article IV. Expectations" shall consist of the following information:

387 (1) *Behavior of Members*. This section shall identify the behavioral expectations
388 and requirements of a member of the entity, and identify how the entity shall
389 enforce these behavioral expectations.

390 (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act
391 committed by a member of the entity that inflicts, attempts to inflict, or threatens
392 to inflict emotional or bodily harm on another person, or damage to property, and
393 set forth any further expectations regarding the prohibition of violence.

394 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and
395 prohibited drugs for a member of an entity when acting in their official capacity,
396 and set forth any further expectations regarding the use of prohibited drugs and
397 alcohol.

398 (4) *Social Media*. This section shall identify expectations for the use of social
399 media in regards to official business of the entity.

400 (5) *Conflict of Interest*. This section shall state any standards and expectations
401 additional to those required by law of the Nation in regards to conflicts of interest
402 and how they are handled, as well as requirements related to prohibited activities
403 resulting from disclosed conflicts of interest, and means by which a party can
404 alleviate or mitigate the conflict of interest.

405 (e) "Article V. Stipends and Compensation" shall consist of the following information:

406 (1) *Stipends*. This section shall include a comprehensive list of all stipends
407 members are eligible to receive and the requirements for collecting each stipend,
408 if any in addition to those contained in this law.

409 (2) *Compensation*. This section shall include details regarding all other forms of
410 compensation members are eligible to receive and the requirements for collecting
411 such compensation, if any in addition to those contained in this law.

412 (f) "Article VI. Records and Reporting" shall consist of the following information:

413 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as
414 identified by this section.

415 (2) *Minutes*. Minutes shall be typed and in a consistent format designed to
416 generate the most informative record of the meetings of the entity. This may
417 include a summary of action taken by the entity. This section shall identify the
418 format for minutes, and a reasonable timeframe by which minutes shall be
419 submitted to the Business Committee Support Office.

420 (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to
421 the minutes and agenda, or may be kept separately, provided that all materials can
422 be identified to the meeting in which they were presented. This section shall
423 identify how records of attachments shall be kept.

424 (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate
425 with the Oneida Business Committee member who is their designated liaison.
426 This section shall identify a format and frequency for communication which may
427 be as the liaison and entity agree to, but not less than that required in any law or
428 policy on reporting developed by the Oneida Business Committee or Oneida

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General Tribal Council. The purpose of the liaison relationship is to uphold the ability of the liaison to act as a support to that entity.

(5) *Audio Recordings*. An entity shall audio record all meetings. This section shall state how the entity shall audio record meetings, and how the entity shall maintain the audio records.

(A) *Exception*. Audio recordings of executive session portions of a meeting shall not be required.

(g) "Article VII. Amendments" consists of:

(1) *Amendments to Bylaws*. This section shall describe how amendments to the bylaws are made. Any amendments to bylaws shall conform to the requirements of this and any other policy of the Nation. Amendments to bylaws shall be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable, prior to implementation.

105.11. Electronic Polling

105.11-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.11-2. *Conducting an E-Poll*. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail address of the entity. The e-poll's message shall include the following information:

(a) The e-mail subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.

(b) The body of the e-poll shall contain the following elements:

(1) An executive summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity;

(2) A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action;"

(3) All attachments in *.pdf format, which are necessary to understand the request being made; and

(4) A deadline date for a response to be returned regarding the results of the electronic poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response."

(A) E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

(B) The time frame for responses shall be determined by the Secretary of the entity, or designee, based on urgency, scheduling, and any other pertinent factors.

105.11-3. *Response to an E-Poll*. A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

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(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and his or her response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a vote.

105.12. Reporting Requirements

105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office within a reasonable time after approval by the entity, as identified in the entity's bylaws.

(a) Actions taken by an entity are valid upon approval of the action by vote, unless the bylaws of the entity otherwise require minutes to be approved by the entity before the actions are valid.

(b) Minutes shall be filed according to this section, and any specific directions within approved bylaws.

(c) No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the bylaws of that entity.

105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an entity shall be submitted to the Business Committee Support Office, where they shall be kept on file.

105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly reports to the Oneida Business Committee in accordance with the quarterly reporting schedule approved by the Oneida Business Committee. All quarterly reports shall be approved by official entity action before they are submitted. The quarterly reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

(a) *Contact Information.* The name of the entity, the member submitting the report, the Oneida Business Committee liaison; and a list of the members and their titles, term expiration dates and contact information.

(b) *Meetings.* When and how often the entity is holding meetings and whether any emergency meetings have been held.

(1) If emergency meetings were held, the report shall indicate the basis of the emergency for each meeting.

(c) *Accomplishments.* Details of what the entity has accomplished that quarter, including any special events held during the reporting period and any travel by the members and/or staff.

(d) *Goals.* Details of both the entity's long term goals, the entity's goals for the next

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quarter, and projected quarterly activities.

(e) *Budget*. The amount of the entity's budget, the status of the budget at that quarter, the amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, and projected budgetary uses for the next quarter.

(f) *Requests*. Details of any requests to the Oneida Business Committee.

(g) *Other*. And any other information deemed appropriate by the entity, as well as any other information required by a law or policy of the Nation.

105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall provide annual reports to the Oneida General Tribal Council based on their activities during the previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business Committee.

(a) Annual and semi-annual reports shall contain information on the number of substantiated complaints against all members of the entity.

(b) Each entity with oversight of a department shall also submit annual and semi-annual reports for each department the entity oversees.

105.12-5. Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

105.13. Stipends, Reimbursement and Compensation

105.13-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this section and according to procedures for payment as set out by the Nation, unless otherwise declined by the entity through its bylaws, or declined by a member.

105.13-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending the resolution. Stipends are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

105.13-3. *Meeting Stipends*. A member of an entity shall only receive a meeting stipend for a regular or emergency meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

(a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity shall be paid no more than one (1) meeting stipend per month.

(b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity shall be paid no more than two (2) meeting stipends per month.

105.13-4. *Joint Meeting Stipends*. A member of an entity shall only receive a stipend for a joint meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

(a) An individual shall receive a stipend for his or her attendance at a duly called joint meeting.

(1) A joint meeting stipend does not count towards the limitation on meeting stipends as provided for in section 105.13-3(a)-(b).

105.13-5. *Oneida Judiciary Hearings*. A member of an entity shall receive a Judiciary hearing

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stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

105.13-6. *Hearings of an Entity*. A member of an entity that maintains hearing authority may obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of all functions related to the resolution of the matter notwithstanding the amount of time it takes to resolve the matter, including, but not limited to, any continuations of the hearing and decision drafting.

105.13-7. *Other Stipends*. The Oneida Business Committee shall determine if, and when, any other stipends are appropriate to compensate members of entities for their official actions. All possible stipends shall be included in the Oneida Business Committee resolution which sets stipend amounts.

105.13-8. *Conferences and Training*. A member of any entity, elected or appointed, shall be reimbursed in accordance with the Nation's policy for travel and per diem, for attending a conference or training. Provided that:

(a) A member shall be eligible for a stipend for each full day the member is present at the conference or training, when attendance at the conference or training is required by law, bylaw or resolution.

(b) A member shall not be eligible for a conference and training stipend if that training is not required by law, bylaw or resolution.

(c) No stipend payments shall be made for those days spent traveling to and from the conference or training.

105.13-9. *Business Expenses*. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

105.13-10. *Task Force and Ad Hoc Subcommittees*. Members of task force, ad hoc committees and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.14. Confidential Information

105.14-1. All members of an entity shall maintain in a confidential manner all information obtained through their position on the entity. The Nation requires that all members of an entity who have access to the Nation's confidential information be subject to specific limitations in order to protect the interest of the Nation and ensure that no persons engaged in by the Nation, nor their relatives or associates, benefit from the use of confidential information.

(a) Confidential information shall be considered and kept as the private and privileged records of the Nation and will not be divulged to any person, firm, corporation, or other entity except by direct written authorization of the Oneida Business Committee.

(b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of such information. Such restriction continues after termination of the relationship with the Nation and the entity.

(c) Upon completion or termination of his or her elected or appointed term of membership in an entity, for any cause whatsoever, the member of the entity will surrender to the Nation, in good condition, all records kept by the member of the entity.

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(d) No member of an entity shall disclose confidential information acquired by reason of his other relationship or status with the Nation for his or her personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

105.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and can only be removed or destroyed by approval from a majority vote of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Nation's laws and policies regarding open records and open meetings.

105.14-3. *Official Oneida Nation E-mail Address.* Each member of an entity shall be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.

(a) If a member is also an employee of the Nation, he or she shall receive a separate e-mail address from his or her regular work e-mail address.

(b) A member of an entity shall sign an acknowledgment form provided by the Nation's Secretary indicating notice of the Nation's applicable computer and media related laws, policies and rules. The Nation's Secretary shall maintain a record of all such acknowledgment forms.

(c) A member of an entity shall not use any personal or work e-mail address to electronically conduct any business of the entity.

(d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall instruct the Management Information Systems department to disable the e-mail address for the member having vacated the position.

105.15. Conflicts of Interest

105.15-1. All members of an entity are required to adhere to the Nation's laws and policies governing conflicts of interest.

105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's Secretary on an annual basis.

(a) Upon receiving information of a potential conflict of interest, the Nation's Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Nation regarding the status of the official.

105.15-3. *Ineligibility Due to Conflicts of Interest.* Due to the potential for a real or perceived conflict of interest to exist, the following individuals shall not be eligible to serve on an appointed or elected entity:

(a) political appointees; and

(b) an employee of the Nation's Internal Audit Department, Finance Administration, or Law Office.

105.16. Use of the Nation's Assets

105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with Generally Accepted Accounting Principles.

105.16-2. Each member of an entity shall comply with the system of internal accounting controls sufficient to provide assurances that:

(a) all transactions are executed in accordance with management's authorization; and

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(b) access to assets is permitted only in accordance with management's authorization;
and

(c) all transactions are recorded to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles or other applicable criteria.

105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall be immediately reported to the Internal Audit department. If the Internal Audit department finds evidence of noncompliance they shall notify the Oneida Law Office, who will then make a determination of further action to be taken, if any.

105.17. Dissolution of an Entity

105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Business Committee Support Office for proper disposal within two (2) weeks of the dissolution.

105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by motion of the Oneida General Tribal Council or the Oneida Business Committee.

105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida Business Committee shall provide the entity written notice of the dissolution.

105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved entities shall be responsible for closing out open business of the entity and forwarding all materials and records to the Business Committee Support Office for proper storage and disposal within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee Support Office may utilize the assistance of the Records Management Department and/or any other appropriate department for the storage and disposal of the records and materials.

(a) The entity may request the Oneida Business Committee to grant a one (1) week extension of the time allowed to close out open business of the entity and forward all materials and records to the Business Committee Support Office.

105.18. Enforcement

105.18-1. Any member of an entity found to be in violation of this law may be subject to:

(a) sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties;

(b) removal pursuant to any laws or policies of the Nation's governing removal, if the individual is a member of an elected entity; or

(c) termination of appointment by the Oneida Business Committee, if the individual is a member of an appointed entity.

End.

Adopted - BC-08-02-95-A

Amended - BC-05-14-97-F

Emergency Amended - BC-04-12-06-JJ

Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

Amended - BC-09-22-10-C

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701 Amended – BC-09-26-18-C
702 Emergency Amended – BC-__-__-__-__
703
704

Oneida Business Committee Agenda Request

Approve two (2) actions regarding the resolution entitled Interpretation of General Tribal Council January.

1. Meeting Date Requested: 3 / 11 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

1) Adopt the resolution "Interpretation of General Tribal Council January 20, 2020 Economic Development and Fiscal Strategy Motion and Setting Implementation Procedures"

2) Direct the General Manager to provide the Oneida Business Committee with an update within two weeks on the Community and Economic Development Division Director's progress on the development of the required standard operating procedures.

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 Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Interpretation of General Tribal Council January 20, 2020 Economic Development and Fiscal Strategy Motion and Setting Implementation Procedures

- 1
2
3
4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6
7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
8
9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
11
12 **WHEREAS,** the General Tribal Council, at the January 20, 2020 meeting, discussed the Thornberry
13 Creek at Oneida LPGA Golf Classic closeout report; and
14
15 **WHEREAS,** as part of that discussion, members talked about how due diligence is conducted on
16 economic development opportunities; and
17
18 **WHEREAS,** the Oneida Business Committee and General Tribal Council have discussed this issue on
19 many occasions, and have expressed a desire to have a greater review of these
20 opportunities; and
21
22 **WHEREAS,** as a part of the discussion regarding Oneida Golf Enterprise, an amendment was
23 presented and adopted for which there was little to no discussion; and
24
25 **WHEREAS,** the following amendment to the main motion was adopted – ““That any economic
26 development or financial strategy be reviewed and vetted by an independent 3rd party for
27 appropriate due diligence; That the strategy include any and all pertinent assumptions;
28 That the strategy be presented to GTC for review and approval; and That the independent
29 3rd party be present at the GTC meeting to answer any questions”; and
30
31 **WHEREAS,** the Oneida Business Committee has determined that implementation of this directive of
32 the General Tribal Council requires standard processes which should be set forth by
33 resolution for consistent application; and
34

35 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee directs that economic
36 development and financial strategies shall be guided and processed as set forth in this resolution and as
37 defined below,

- 38 • Economic development means any new business development or expansion, merger, and/or
- 39 acquisition which results in a new profit revenue source for the Nation.
- 40 • Financial strategy means a plan for the development of capital for profit generation.

41
42 **BE IT FURTHER RESOLVED,** that the following personnel are defined in this resolution:

- Owner means the direct report to the Oneida Business Committee, for example the General Manager, Gaming General Manager, etc.
- Chief Financial Officer means the individual hired in that position, which responsibilities shall not be delegated.
- Project Manager means the employee assigned to manage a project from the Community and Economic Development Division.

BE IT FURTHER RESOLVED, as directed by the General Tribal Council, any activity fitting within either definition above shall follow the procedures set out in this Resolve:

1. After finalization of the economic development or financial strategy, the owner of the economic development or financial strategy shall notify the Treasurer and Tribal Secretary of the intent to identify a team to conduct the third-party review.
2. The team shall consist of the owner, the project manager, and the Chief Financial Officer.
3. The team shall post a request for bids or proposals to conduct a third-party analysis of the economic development or financial strategy, with a requirement to provide a recommendation and to be available to present at a General Tribal Council meeting.
4. The third-party vendor shall conduct and present the review and recommendation.
5. The owner shall provide the economic development or financial strategy, the request for bids or proposals, a list of submitting vendors, the third-party analysis, and any changes made as a result of the third-party analysis to the Treasurer and Tribal Secretary with a request to be placed on a General Tribal Council agenda.

BE IT FURTHER RESOLVED, the Community and Economic Development Division Director shall develop standard operating procedures which sets forth more detailed timelines and process to guide the procedures set out in the above Resolve.

BE IT FINALLY RESOLVED, the costs associated with the third party analysis shall be considered a part of the project costs, and until such time as this can be properly budgeted, the costs shall be assessed to the Economic Development, Diversification and Community Development Fund, Resolution # 01-23-19-C, *Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund As Amended*.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
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Statement of Effect

Interpretation of General Tribal Council January 20, 2020 Economic Development and Fiscal Strategy Motion and Setting Implementation Procedures

Summary

This resolution further interprets and sets forth implementation procedures for the January 20, 2020, General Tribal Council motion, *“That any economic development or financial strategy be reviewed and vetted by an independent 3rd party for appropriate due diligence; That the strategy include any and all pertinent assumptions; That the strategy be presented to GTC for review and approval; and That the independent 3rd party be present at the GTC meeting to answer any questions.”*

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

Date: March 4, 2020

Analysis by the Legislative Reference Office

On January 20, 2020, during a discussion about the Thornberry Creek at Oneida LPGA Golf Classic closeout report the General Tribal Council adopted an amendment to the main motion which provided *“That any economic development or financial strategy be reviewed and vetted by an independent 3rd party for appropriate due diligence; That the strategy include any and all pertinent assumptions; That the strategy be presented to GTC for review and approval; and That the independent 3rd party be present at the GTC meeting to answer any questions.”*

This resolution provides that the Oneida Business Committee has determined that the implementation of this directive of the General Tribal Council requires standard processes which should be set forth by resolution for consistent application. Then resolution then:

- Defines economic development, financial strategy, owner, Chief Financial Officer, and project manager;
- Sets forth a procedure to be followed for any activity fitting within the definitions of this resolution;
- Requires the Community Economic Development Division Director to develop standard operating procedures with sets forth more detailed timelines and process to guide the procedures set out in this resolution; and
- Provides that the costs associated with the third-party analysis shall be considered a part of the project costs, and until such time as this can be properly budgeted, the costs shall be assessed to the Economic Development, Diversification and Community Development Fund.

Resolution BC-01-23-19-C titled, *“Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund As Amended”* provides details of the Economic Development, Diversification and Community Development Fund (“the Fund”) regarding:

- The allocation of dividends and revenues;

- The review of requests and recommendations for use of the funds;
- The authorization to use funds;
- The tracking of the balance of the fund and use of the fund;
- How funds shall be allocated once authorized; and
- Development of standard operating procedures.

Resolution BC-01-23-19-C requires that the Community and Economic Development Division Director 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. The Oneida Business Committee is then responsible for authorizing use of the Fund by 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.

Although this resolution provides that the costs of the third-party analysis shall be assessed to the Economic Development, Diversification and Community Development Fund, the requirements of resolution BC-01-23-19-C would still have to be met for funds to be authorized by the Oneida Business Committee.

Conclusion

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

Oneida Business Committee Agenda Request

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

1. Meeting Date Requested: 03 / 11 / 20

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, 2025.

The application deadline was February 28, 2020 and three (3) applications were received for the following applicants:

Teresa Schuman
Daniel Thomas
Twylite Moorer

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint to term ending March 31, 2025; 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: 03 / 11 / 20

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 five (5) Pro Tem vacancies - 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:

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 February 28, 2020 and one (1) application was received for the following applicants:

George C. Skenandore

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 February 19, 2020, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 3 / 11 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Accept the February 19, 2020, Legislative Operating Committee meeting minutes.

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 Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
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-2nd Floor Norbert Hill Center
 February 19, 2020
 9:00 a.m.

Present: Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King

Excused: David P. Jordan

Others Present: Brandon Wisneski, Clorissa N. Santiago, Kristen Hooker, Jennifer Falck, Paul Witek, Terry Cornelius, Jameson Wilson, Leyne Orosco, Jeff House, Lee Cornelius.

I. Call to Order and Approval of the Agenda

Kirby Metoxen called the February 19, 2020, Legislative Operating Committee meeting to order at 9:00 a.m.

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

II. Minutes to be Approved

1. February 05, 2020

Motion by Jennifer Webster to approve the February 5, 2020, 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. Indian Preference in Contracting Law Amendments (1:19-8:47)

Motion by Ernest Stevens III to accept the updated public comment review memorandum, draft law and legislative analysis; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to approve the Indian Preference in Contracting Law Amendments fiscal impact statement request memorandum and forward to the Finance Department directing a fiscal impact statement be prepared and submitted to the LOC by March 4, 2020; seconded by Daniel Guzman King. Motion carried unanimously.

2. Vehicle Driver Certification and Fleet Management Amendments (10:22-14:01)

Motion by Jennifer Webster to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.

3. Curfew Law Amendments (14:03-18:40)

Motion by Jennifer Webster to approve the draft law and the legislative analysis and defer to a work meeting for further consideration; seconded by Ernest Stevens III. Motion carried unanimously.



4. **Domestic Animals Law Amendments** (18:43-20:35)

Motion by Ernest Stevens III to approve the draft law and legislative analysis and defer to a work meeting for further consideration; seconded by Jennifer Webster. Motion carried unanimously.

5. **Tobacco Emergency Amendments** (20:37-26:40)

Motion by Jennifer Webster to approve the Tobacco Law Emergency Amendments adoption packet and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

6. **Petition: N. Dallas – Make a Funeral Home and Petition: N. Dallas – Hold on Building** (26:45-31:12)

Motion by Jennifer Webster to approve the Petition: N. Dallas – Make a Funeral Home statement of effect and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to approve the Petition: N. Dallas – Hold on Building statement of effect and forward to the Oneida Business Committee for consideration seconded by Daniel Guzman King. Motion carried unanimously.

IV. New Submissions

1. **Petition: M. Debraska – Increase General Tribal Council Meeting Stipend** (31:19-32:59)

Motion by Jennifer Webster to add the petition: M. Debraska - Increase General Tribal Council Meeting Stipend to the active files list; seconded by Daniel Guzman King. Motion carried.

Ayes: Jennifer Webster, Daniel Guzman King

Opposed: Ernest Stevens III

2. **Boards, Committees and Commissions Law Emergency Amendments** (33:00-34:14)

Motion by Jennifer Webster to add Boards, Committees and Commissions law emergency amendments to the active files list with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

V. Additions

VI. Administrative Items

1. **FY 20 First Quarterly LOC Report** (34:26-39:02)

Motion by Jennifer Webster to approve FY20 First Quarterly LOC Report and forward to the Oneida Business Committee; seconded by Ernest Stevens III. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Ernest Stevens III to adjourn at 9:39 a.m.; seconded by Jennifer Webster. Motion carried unanimously.

Oneida Business Committee Agenda Request

Accept the memorandum regarding the issues identified in the 2020 special election final report as...

1. Meeting Date Requested: 3 / 11 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Accept as information the Legislative Operating Committee's memorandum titled, "Consideration of Legislative Solutions to Issues Identified in the 2020 Special Election Final Report" and subsequent decision to not pursue amendments to the Election law or Judiciary law at this time.

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 Member


Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: David P. Jordan, Legislative Operating Committee Chairperson 
DATE: March 11, 2020
RE: Consideration of Legislative Solutions to Issues Identified in the 2020 Special Election Final Report

On February 12, 2020, the Oneida Business Committee accepted the 2020 Special Election final report and declared the official results. The Oneida Business Committee then adopted a motion to send the 2020 Special Election final report to the Legislative Operating Committee for review of the issues identified in number five (5) and report back to the Oneida Business Committee on a determination for a legislative fix if one is needed.

The 2020 Special Election final report identified the following issues of concern in section five (5):

1. Election Law is silent in regards to candidates running unopposed.
2. The Judiciary Law specifically says a “Special” election must be held to fill a vacancy: 801.11-8. Vacancies. If a Judge dies, resigns, is removed from office, becomes incapacitated for a period in excess of one hundred eighty (180) consecutive days, or is declared incompetent by a court of competent jurisdiction, the office of such Judge shall be declared vacant by the Oneida Business Committee and: (a) A special election shall be held to fill the office for the remainder of the Judge’s term of office, if two hundred seventy (270) days or more remain in the term of office;
Possible amendment should be made that the judicial vacancy should go onto the next election – General or Special.

On February 19, 2020, the Legislative Operating Committee reviewed the issues identified in number five (5) of the final report for the 2020 Special Election. The Legislative Operating Committee determined that at this time they do not wish to pursue a legislative fix for the identified issues.

Although the Legislative Operating Committee agrees that the Election law’s silence on candidates running unopposed could be clarified through amendments to the Election law, the Legislative Operating Committee determined amending the Election law is not necessary at this time as precedent on how to handle a candidate running unopposed has now been set.

Additionally, the Legislative Operating Committee spent a great portion of this term pursuing many comprehensive amendments to the Election law, but on the July 11, 2019, the General Tribal Council ultimately adopted a motion which declined to adopt amendments to the Election law. The Legislative Operating Committee has determined that the General Tribal Council’s decision to not amend the Election law should be respected at this time. Instead, the Legislative Operating Committee recommends recording this issue as a topic for discussion the next time amendments

to the Election law are in development. The completion of the 2020 General Election may be a more appropriate time to consider if amendments to the Election law should be pursued.

The Legislative Operating Committee also considered the Oneida Election Board's question as to whether the Judiciary law should be amended to provide that judicial vacancies should go onto the next election – general or special, instead of the current provision which states that a special election shall be held to fill the office for the remainder of the Judge's term of office, if two hundred seventy (270) days or more remain in the term of office. [8 O.C. 801.11-8]. Judges are elected to serve terms of six (6) years. [8 O.C. 801.11-4]. If a Judge's position becomes vacant and there are more than two hundred seventy (270) days left in the term of office, then a special election is triggered because otherwise a situation could arise where there may be three (3) years until the next general election. The Legislative Operating Committee determined this provision ensures that vacancies are filled in a timely manner, and therefore, does not recommend amending the Judiciary law to address this issue at this time.

The Legislative Operating Committee is faced with many different competing priorities. With less than six (6) months left in this term, the Legislative Operating Committee is focused on completing its legislative priorities and is not interested in pursuing amendments to address the issues identified in section five (5) of the 2020 Special Election final report at this time.

Requested Action

Accept as information the Legislative Operating Committee's decision not to pursue amendments to the Election law or the Judiciary law at this time.

Approve the travel report - Councilman Kirby Metoxen - Chicago Travel & Adventure Show - Rosemont, IL
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 11 / 20

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 Chicago Travel Adventure Show February 7th-10th, 2020.

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: Chicago Travel & Adventure Show

Travel Location: Rosemont, IL

Departure Date: 02/07/2020 **Return Date:** 02/10/2020

Projected Cost: \$604.51 **Actual Cost:** \$1050.45-NATOW
Funded

Date Travel was Approved by OBC: 02/12/2020

Narrative/Background:

Councilman Kirby Metoxen is the representative of the Oneida Nation and also a representative of the NATOW Board. Travel & Adventure Show Series has connections with over 1.93 million travel enthusiasts and with over 4,250 unique travel marketers in a professional setting that facilitates face-to-face conversations which has impacted over \$4.1 billion in travel bookings. I was joined by like-minded travel professionals for a valuable and education event. NATOW set up booth to represent the 11 Tribal Nations in Wisconsin.

All Travel expenses is covered by NATOW Board.

Item(s) Requiring Attention:

Requested Action:

Motion to approve travel report for Chicago Travel and Adventure Show February 7th-10th, 2020.

Oneida Business Committee Agenda Request

Approve the travel report and determine next steps regarding action items - Secretary Lisa Summers -...

1. Meeting Date Requested: 03 / 11 / 20**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 Business Committee Agenda Request**6. Cover Memo:**

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

Attached for your review and consideration is a travel report for March 4 & 5, 2020. Part 1 of the report is regarding Tribal Caucus activities/actions. Part 2 of the report addresses the GLITC Emergency Management Summit activities/actions.

Please note the request to review the draft "Inter-Tribal Mutual Aide Emergency Management Agreement" has already been sent to the Law Office for review prior to any further action.

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

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Lisa Summers

Travel Event: Tribal Caucus Meeting & Emergency Management Summit
w/State of WI

Travel Location: Lac Du Flambeau, WI

Departure Date: 02/25/2020 **Return Date:** 02/27/2020

Projected Cost: \$ 367.00 **Actual Cost:** \$ 496.12

Date Travel was Approved by OBC: 02/17/2020

Narrative/Background:

As the designated OBC member to the Special Committee on State-Tribal Relations, I participate on the WI Tribal Caucus as one of the Co-Chairpersons. The Tribal Caucus is made up of tribal leaders from each of the 11 WI tribes. The purpose of the Tribal Caucus is to work on & develop legislation and administrative rule changes to state law or administrative processes which impact tribes. The Tribal Caucus meets every other month in February, April, June, August, October and December.

Of note for the February 26, 2020 meeting, is the change in meeting location and date; originally scheduled to be in Oneida, and moved to Lac Du Flambeau, WI in order to accommodate the Great Lakes Inter-Tribal Council's Emergency Management Summit which took place on Thursday, February 27, 2020 (it is noted that per the request of Chairman Hill, I participate in the summit which will need to be approved by the OBC, as this was an unplanned stayover).

Tribal Caucus:

- 24 items were reviewed by the Tribal Caucus under 3 main categories. The first set of items reviewed included those that are current in the state process for approval and include AB104-Battery to Tribal Court Officials which is scheduled for a senate hearing and may still be passed this session. The other in progress bills include AB105-AB109 regarding Act 31 changes. These items will not continue this session; however, the Tribal Caucus will take these items up again in the next session. During the recess period, work will be done by a

team from the Tribal Caucus, Senator Mursau's office, School Board Association, School Administrators and other key stakeholders.

- There are 8 items which are no longer viable this session; however, will be pursued next session. These include AB81 & SB89-Dental Therapy; AB123 & SB119 Homeless Grants; AB35 & SB44 - Apprenticeship Grants; Adoption Bills; AB548 & SB493 - Call for a Task Force on Missing & Murdered Indigenous Women; Suicide Prevention; Clean Water and a Crime Bill package.
- There are 13 items that were reviewed by the Tribal Caucus for consideration to present to the public members of the Special Committee on State-Tribal Relations. These topics include the following: 1) adding Tribal Representation to the Higher Education Aides Board; 2) Tribal Employment Immunity; 3) Sex Offender Placements; 4) Dept of Public Instruction teacher Certification; 5) Public Library Issues/Requirements; 6) Act 31 Revisions; 7) Adding Tribal Representatives to new and Existing State Committees and/or State Granting/Program Committees; 8) Mental Health Placements; 9) Tribal Administration of County DHFS Statutes; 10) Cigarette and Tobacco Tax Application; 11) Mascots & Logos; 12) PL-280 Retrocession; 13) Hemp Ordinance (Transportation) Issues.
- Lastly, the Tribal Caucus reviewed the proposed changes to the State/Tribal Consultation Policy (attached). The state is currently reviewing the recommendations and vetting them through the tribal liaisons. After the tribal liaisons review is completed, it will get a state legal review - once this is complete, the tribes will have an opportunity to provide additional feedback (target is May 2020), with a final revamped state consultation policy for all agencies to be completed by early fall (Sept. 2020).

GLITIC/STATE OF WI Emergency Management Summit:

- This summit was scheduled as a follow up to tribal leaders' request for additional networking and training as part of the alignment with the 6 strategic goals identified through the GLITC Strategic Plan.
- Tribal leaders, Emergency Management Directors and State officials conducted scenario response study (both a flooding event and tornado event) addressing missing people, extended electrical/power outage, vulnerable population, etc., and reviewed a draft mutual aid agreement for tribes and reviewed long-term planning needs for inter-tribal cooperation.
- Next steps from this summit include:
 - a. Completing the inter-tribal mutual aid agreement with all tribes;
 - b. Continued work with GLITC on the expansion of this strategic priority;
 - c. Continued collaboration on various state and federal funding opportunities;
 - d. Working with tribal colleges on the development of a certificate/training program

Item(s) Requiring Attention:

1. Assign 1 to 2 more OBC members to participate in April 2020 Tribal Caucus meeting;
2. Assign 1 to 2 OBC Members to work with Inter-Governmental Affairs & Communications, and a sub-committee of the Tribal Caucus on the development of a PL-280 Retrocession Process for tribes;
3. Oneida will host the next Tribal Caucus and need to request Inter-Governmental Affairs & Communications to assist with making appropriate arrangements.
4. Assign the Chair and Vice-Chair to work with Emergency Management & the Law Office on the completion of the inter-tribal mutual aid agreement.
(Please note the draft agreement has already been submitted to the Law Office for review.)

Requested Action:

1. Motion to Accept the February 27, 2020 Travel Report from Secretary Summers on the Tribal Caucus Update as well as the Great Lakes Inter-Tribal Council Emergency Management Summit.

Tribal Caucus
State - Tribal Consultation Policy
Review & Recommendations
December 2019

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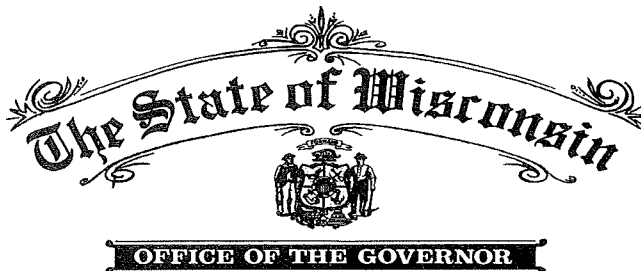
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WI Executive Order #39 – Background Information

"On February 27, 2004, Executive Order #39 was issued, recognizing the sovereignty of the 11 federally recognized tribal governments in Wisconsin and the unique government-to-government relationship that exists between the State and the tribes. To carry out the Order, the State-Tribal Consultation Initiative was established".



EXECUTIVE ORDER # 39

Relating to an Affirmation of the Government-to-Government Relationship Between the State of Wisconsin and Indian Tribal Governments Located Within the State of Wisconsin

WHEREAS, the State of Wisconsin has a unique legal relationship with Indian Tribes, as affirmed and set forth in state and federal law; and

WHEREAS, within Wisconsin there are 11 federally recognized Tribes with elected or appointed Tribal governments; and

WHEREAS, the State of Wisconsin, a sovereign state within the United States, recognizes the unique status of Indian Tribes and their right to existence, self-government, and self-determination; and

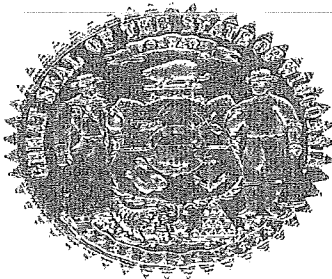
WHEREAS, state regulations and other policy statements or actions have an impact on Indian Tribes; and

WHEREAS, State and Tribal governments play key roles in serving all of the citizens of the State of Wisconsin and collaboration between Tribes and State agencies will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development;

NOW THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, do hereby:

1. Direct cabinet agencies to recognize the unique legal relationship between the State of Wisconsin and Indian Tribes, respect fundamental principles that establish and maintain this relationship and accord Tribal governments the same respect accorded other governments;
2. Direct cabinet agencies to recognize the unique government-to-government relationship between the State of Wisconsin and Indian Tribes when formulating and implementing policies or programs that directly affect Indian Tribes and their members, and whenever feasible and appropriate, consult the governments of the affected Tribe or Tribes regarding state action or proposed action that is anticipated to directly affect an Indian Tribe or its members;
3. In instances where the State of Wisconsin assumes control over formerly federal programs that directly affect Indian Tribes or their members, direct cabinet agencies, when feasible and appropriate, to consider Tribal needs and endeavor to ensure that Tribal interests are taken into account by the cabinet agency administering the formerly federal program; and
4. Direct cabinet agencies to work cooperatively to accomplish the goals of this order;

5. General Provisions.
- a. Nothing in this order shall require cabinet agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law.
 - b. Nothing in this order shall require cabinet agencies to violate or ignore any agreements or compacts between one or more Indian Tribes and the State of Wisconsin or one or more of its agencies.
 - c. If any provision in this order conflicts with any laws, rules, agreements or other legal requirements or obligations imposed by state or federal law, the state or federal law shall control.
 - d. Nothing in this order prohibits or limits any cabinet agency from asserting or pursuing any action or right, or taking any position under state or federal law or any existing agreement in relation to the interests of the State of Wisconsin or any of its state agencies.
 - e. Nothing in this order creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the State of Wisconsin, its agencies, or any person.



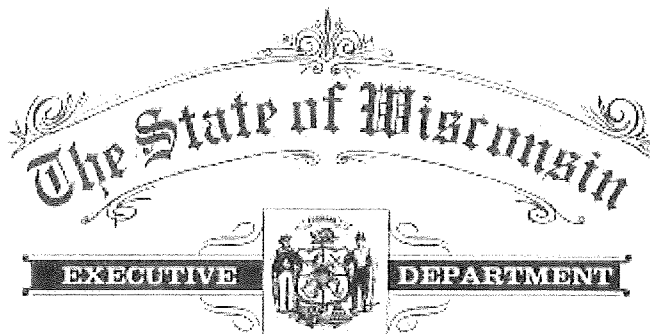
By the Governor:

Douglas La Follette
DOUGLAS LA FOLLETTE
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-seventh day of February, in the year two thousand four.

Jim Doyle
JIM DOYLE
Governor

*"...The Initiative is a comprehensive program aimed at increasing ties between state agencies and tribal governments in order to streamline and improve the services our governments provide to both tribal and non-tribal members. The State-Tribal Consultation Initiative, now fully underway and unique in Wisconsin's history, will pave the way for state-tribal partnerships well into the future."*ⁱ



EXECUTIVE ORDER #18

Relating to an Affirmation of the Intergovernmental Relationships Among the State of Wisconsin and Tribal Nations Located Within the State

WHEREAS, the State of Wisconsin reaffirms that Tribal Nations have sovereign authority over their members and territory;

WHEREAS, treaties, rulings from the Supreme Court of the United States, as well as federal and state laws have established a unique legal relationship between states and Tribal Nations;

WHEREAS, there are eleven federally-recognized Tribal Nations within the State of Wisconsin;

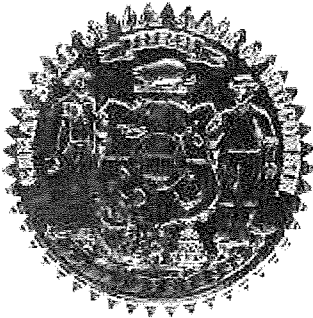
WHEREAS, state policies, regulations, and decisions impact Tribal Nations both directly and indirectly; and

WHEREAS, the State of Wisconsin and Tribal Governments both serve our citizens, and close collaboration is essential for productive, safe, sustainable, and wise decision-making and policy implementation.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the Laws of the State, hereby order each cabinet agency to:

1. Recognize the State of Wisconsin's unique legal relationship with Tribal Nations and engage them with the respect accorded to other governments.
2. Engage Tribal Governments, on a government-to-government basis, in developing policies or programs that directly impact Tribal Nations or their members, and appropriately consult Tribal Governments on matters that may indirectly impact Tribal Nations or their members.
3. Develop an updated consultation policy that does the following:
 - a. Ensures the state government workforce is educated on Tribal Nations and sovereignty;
 - b. Strengthens the day-to-day working relationships between Tribal and state government agencies;
 - c. Provides for at least annual consultation meetings with Tribal and state leaders; and
 - d. Identifies at least one agency staff member to serve as a liaison between the agency and the Tribal Nations.

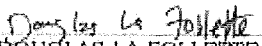
4. Ensure impacted Tribal Governments and interests are represented and respected when managing federal programs.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Executive Residence in the City of Madison this ninth Day of April in the year of two thousand nineteen.


TONY EVERS
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

State-Tribal Consultation Initiative – What it is.

"In 2004, Executive Order #39 was issued, recognizing the government-to-government relationship between the state and tribal governments and requiring strengthening of the working relationship between the two governments.

As a result, the State-Tribal Consultation Initiative was created. Nearly all of the agencies in the Governor's Cabinet have drafted policies which establish a framework for interaction with tribes. These policies were drafted with input from representatives of all of Wisconsin's tribal governments at meetings hosted by the state's 11 federally recognized tribes. The policies state that whenever the agencies consider programs or initiatives that would affect tribes, they share this information with them. Conversely, whenever tribes have an issue with the state, the Initiative establishes processes through which these can be shared with state government.

*The goal of this Initiative will be greatly improved communications allowing for any potential issues to be corrected early on or avoided entirely on both sides. Through the Initiative, valuable state and tribal resources are put to more effective use delivering government services in a more streamlined, coordinated and economically efficient manner."*ⁱⁱ

Why policy was created.

"The reason for the Initiative's launch is that tribes are increasingly striving to provide governmental services to their tribal members and, in many cases, non-tribal members living on tribal lands. Tribal members and non-tribal members living on Wisconsin's reservations are also citizens of the state of Wisconsin, entitled to the services to which any other state resident is so entitled. Tribes, governed by democratically-elected councils/legislatures, provide a number of governmental services including the provision of public safety services; construction and maintenance of water and sewer infrastructure; road building and maintenance and providing for quality health care and education.

Taking these facts into consideration demonstrates the need for the state and tribes to begin more closely coordinating and streamlining the delivery of these services to tribal and non-tribal members in order to increase efficiency and eliminate wasteful duplication of effort. The State-Tribal Consultation Initiative has this as its bottom line goal: improving the provision of governmental services and economic development to both tribal communities and the citizens of the state of Wisconsin to save valuable taxpayer money."ⁱⁱⁱ

Review of current objectives – tribal

The Wisconsin Tribal Caucus requests the State of Wisconsin to facilitate the direct and effective participation of all Wisconsin Tribal Nations in current and future Wisconsin programs and activities that affect the indigenous peoples of Wisconsin. Engagements will support enabling environments to foster inclusion of all Wisconsin Tribal Nations in the design, execution, and evaluation of policies and programs that concern and/or affect them.

The Wisconsin Tribes requests the state to engage in effective participation with all Tribal Nations on current and future programs and activities that affects the Tribal Nations and their constituents. The Tribal Caucus requests the State to support enabling environments to foster inclusion from all Tribes in the design, execution and evaluation of policies and programs that concern and/or affect them.

Objectives for engagement with Wisconsin's Indigenous Peoples: the Tribal Caucus requests the State to improve its institutional environment and capacities to respond to and collaborate with all Wisconsin Tribal Nations and their organizations (such as the GLTIC, etc.). Respectfully the Tribal Caucus requests the following based on the agreed upon goals of:

1) Uniform Consultation Policy for all State Agencies;

- a. What to Notify (to Tribes) & Risk Ranking
 - i. Change in rule(s)
 - ii. All funding opportunities
 - iii. Legislative changes (proposed by the state agencies)
 - 1. Or changes affecting state agencies (solution orientated)
 - iv. Include a risk assessment and/or similar impact statement for agencies to ascertain impact on decision or proposed rule or policy on the tribe(s) to ensure mindful notice and decision-making
 - v. Public committee openings & nominations or Joint Committees;
- b. When to Notify (the Tribes)

Timely and consistent notice. Example – DNR approved last month the new “scope statement”. In this case, the tribes didn’t even know this was a consideration and we learned about this through seeing the agenda of the DNR Board. This is something that the tribes should have been notified about.

 - 1. Scope statement is developed and then approved, is the first step
 - 2. should be notified here (before a public hearing, which would come after)
 - 3. should be notified before it is approved
- c. include the list of tribal contacts & GLTIC information in an addendum of each policy

2) Goal - Early and timely consultation with Tribes on Agency Initiatives

- a. Consider including proactive / joint efforts to study or resolve issues (identifying the stakeholders early in the process) – i.e. Minnesota process with Tribes relating to their Treaty rights, etc.
- b. Official notice (gov’t to gov’t notification) of protocol non-compliance (to Secretary) to appropriate agency

3) Goal – Increased Representation on agency special committees

- a. Agencies should notify the tribes if there is a special committee being formed so we can decide if it is important to us.
 - i. E.g. PFAS. They may not think it impacts, but it (like ICWA or WICA protocol).
 - ii. For example – Religious practices advisory committee or the agency driven mining one, or no tribal veterans advisory.
 - iii. The tribes ask all agencies to provide a listing of their existing committees and which ones should have tribal representation for current and future to be notified and offered opportunity to suggest appointment.

4) Goal – Improved Response to Issues Raised by Tribes

- a. Each agency needs to have a “checklist and a matrix” with a timeline (action plan) to respond to issues.
 - i. how does the state respond to county, cities, etc.?
- b. What to notify – any issue that may affect a Tribe.
- c. Who to notify – depends on the issue, but it should be tribe, GLITC, & Dawn Vick
- d. When to notify – as identified in the action plan
- e. Accountability – same as #3 & 4

5) Goal – Development of an action plan and measure success

- a. Meeting annually between the bodies
 - i. GLITC Board & Tribes through the consultation process of promoting the common goals identified by the group
 - ii. Review previous year, accomplishments & hold each other accountable
 - iii. Measure success of the goals identified,
- b. Having regular meeting with the Governor and sharing intent
- c. Align meetings w/budget process to ensure items that need to be included

6) Strong Guiding Principles

- a. Important to include natural law v. manmade law
- b. Utilize UNDRIP principles to create preamble / intent that clearly outlines both agency and tribal philosophies, including the following from UNDRIP
 - i. Article 5 (equal participation in Tribe and State)
 - ii. Article 8 (Protections against assimilation or destruction of culture)
 - iii. Article 11 (Protections of manifestations of culture including mechanisms of redress)
 - iv. Article 12 (Protection of religious practices)
 - v. Article 13 (cultural and educational securities)
 - vi. Article 14 (Cultural education protections)
 - vii. Article 15 (Promoting understanding of native cultures)
 - viii. Article 18 (Right to participate in decision making on issue that affect Tribes)
 - ix. Article 19 (Consultation)
 - x. Article 20 (self-governance)
 - xi. Article 21 (Right of development and improvement of conditions)
 - xii. Article 22 (Protection against discrimination and violence)
 - xiii. Article 24 (Protection to practice traditional medicines)

- xiv. Article 25 (Protection to honor the spiritual relationship with traditionally owned or otherwise occupied land)
- xv. Article 26 (Protection to have the right to the lands, territories and resources which have traditionally owned, occupied or otherwise used or acquired)
- xvi. Article 29 (Environmental Protection Plans)
- xvii. Article 31 (Control, protect, and develop their culture and traditions)
- xviii. Article 32 (Land sovereignty, specifically over natural resource and mineral extraction activities)
- xix. Article 32 (Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources)

7) Goal - Dispute Resolution Provision

- a. Ability to invoke a consultation with the Secretary of the Agency before the dispute resolution steps.
 - b. Open Communication
 - c. Ability to negotiate on language and/or issues in administrative rules/policy
 - d. Conflict Resolution – should be win-win or no deal type of provision or and “opt-out” by either party
 - i. **Agreement** - currently DHS, DCF & DOT do action plans as a result of the consultation process; this should be done for each agency (Food Share Example)
 - ii. **Agreement** - When a non-negotiable issue, punt it to Special Committee on State Tribal Relations Committee & State Agency work together commit to support to change state law
 - iii. **Agreement** – either party notifies the other of invocation of the provision;
 - e. When to notify – when the tribes realize they have a dispute and should it be within a certain amount of time to allow progress to continue.
-
- The State of Wisconsin acknowledges that tribes exist in a political status rather than a racial or ethnic group.
 - The State will also make its best effort to make sure the legislature and employees are informed about the Tribal Nations within the State, especially with matters that concern a tribe individually.
 - This consultation policy must respect that no tribe can speak for or act on behalf another.
 - The Tribes requests that the state acknowledge tribal sovereignty and individuality.

- For the State of Wisconsin to enhance the capacity of government to engage indigenous peoples at the state and national level, in pursuance of their rights and visions of development.
- For the State of Wisconsin to integrate indigenous peoples' issues into those normative and operational areas of its work that affect or support indigenous peoples and their traditional agriculture, food and livelihood systems.
- For the State of Wisconsin to facilitate the direct and effective participation of indigenous peoples in current and future Wisconsin programs and activities that affect indigenous peoples. To support enabling environments to foster inclusion of indigenous peoples in the design, execution and evaluation of policies and programs that concern and/or affect them.
- For the State of Wisconsin to establish measures to collaborate with indigenous peoples and discourage ventures that will have an adverse impact on their communities. When there is a direct impact or relation to indigenous peoples' issues, it will follow the provisions of the UN Declaration on the Rights of Indigenous Peoples that relate to free, prior and informed consent.
- For the State of Wisconsin to approach indigenous peoples in a way that answers to, interacts with and learns from their unique food and agriculture practices, livelihood systems and specific sociocultural circumstances, thus building on their potential contributions and actively encouraging 'development with identity.
- For the State of Wisconsin activities that affect indigenous peoples will be guided by the human rights-based approach to development, premised on the notion that everyone should live in dignity and attain the highest standards of humanity guaranteed by international human rights law. It will be guided in particular by the core principles expressed in this policy document and by the UN Declaration on the Rights of Indigenous Peoples.

State-Tribal Relations Agencies

According to the "Wisconsin State Tribal Relations Initiative" webpage

<http://witribes.wi.gov/section.asp?linkid=283&locid=57> 15 agencies "have completed" a State-Tribal Consultation Policy. They are:

1. Department of Administration
2. Department of Agriculture, Trade & Consumer Protection
3. Department of Children and Families
4. **Department of Commerce***
5. Department of Corrections

6. Department of Financial Institutions
7. Department of Health Services
8. Wisconsin Housing and Economic Development Authority
9. **Wisconsin Office of Justice Assistance***
10. Department of Natural Resources
11. Department of Revenue
12. Department of Tourism
13. Department of Workforce Development
14. The Wisconsin Department of Transportation has signed a state-tribal consultation agreement with each of Wisconsin's 11 federally recognized tribal governments.
15. **The Department of Public Instruction***, the Public Service Commission and the Department of Justice are not a part of the Governor's Cabinet.

* 4, 9, & 15 are not listed on the "Government to Government" webpage which includes the agency and a link to view the Consultation Policy (see page 8)

State-Tribal Relations Initiative, Government to Government – Tribal Consultation Policy List

It should be noted the Wisconsin “Government to Government” webpage <http://witribes.wi.gov/section.asp?linkid=285&locid=57> lists 14 state agencies on this webpage, and only 13 of the agencies listed has an active link to their Tribal Consultation Policy. The Department of Veterans Affairs is listed; however, this agency has no policy and no link to a policy, but they do have a Tribal Liaison. The Tribal Veterans Liaison does not serve on the advisory committee to the Secretary of Veterans Affairs. The Veterans Liaison states he has a direct one on one relationship with Secretary.^a

1. Department of Administration
[Consultation Policy](#)
2. Department of Agriculture, Trade & Consumer Protection
[Consultation Policy](#)
3. Department of Children and Families
[Consultation Policy](#)
4. Department of Corrections
[Consultation Policy](#)
5. Department of Financial Institutions
[Consultation Policy](#)
6. Department of Health Services
[Consultation Policy](#)
7. Department of Natural Resources
[Consultation Policy](#)
8. Department of Revenue
[Consultation Policy](#)
9. Department of Tourism
[Consultation Policy](#)
10. Department of Transportation
[Consultation Policy](#)
11. Department of Workforce Development
[Consultation Policy](#)
12. Department of Justice
[Consultation Policy](#)
13. Wisconsin Housing & Economic Development Authority
[Consultation Policy](#)
14. Department of Veterans Affairs
This agency does not have a Consultation Policy; however, there is a Tribal Liaison that is listed and identified on the “State-Tribal Relations Contacts” list (see page 9)
15. Wisconsin Military Affairs
There has been a request to add this to the meetings.

^a Per my phone conversation with Veterans Tribal Liaison Shaun Stoeger (Chris J. Cornelius)

State-Tribal Relations Agencies Contact List

STATE-TRIBAL RELATIONS CONTACTS

Department of Administration

Dawn Vick, Administrator

Tel. 608-266-7043

E-Mail dawn.vick@wisconsin.gov

Department of Agriculture, Trade & Consumer Protection

Ashley Andre, Agency Liaison

Tel. 608-224-5002

E-Mail ashley.andre@wisconsin.gov

Department of Children and Families

Stephanie Lozano, Tribal Liaison

Tel. 608-422-7076

E-Mail StephanieM.Lozano@wisconsin.gov

Department of Corrections

Kristi Dietz, Agency Liaison

Tel. 608-240-5010

E-Mail kristi.dietz@wisconsin.gov

Office of the Commissioner of Insurance

Jeff Grothman

Tel. 608-267-5028

E-Mail jeff.grothman@wisconsin.gov

Department of Financial Institutions

Greg Reiman

Tel. 608- 267-1718

E-Mail greg.reiman@wisconsin.gov

Department of Health Services

Gail Nahwaquaw, Director of Tribal Affairs

Tel. 608-261-9334

E-Mail gail.nahwaquaw@wisconsin.gov

Darwin Dick, Statewide Administrator

Tel. 608-261-6728

E-Mail darwin.dick @wisconsin.gov

Department of Natural Resources

Shelly Allness, Tribal Liaison & Land Div. Policy Advisor

Tel. 608-266-8251

E-Mail michele.allness@wisconsin.gov

Department of Public Instruction

David O'Connor, American Indian Language and Culture

Education

Tel. 608-267-2283

E-Mail david.oconnor@wisconsin.gov

Department of Revenue

Tom Ourada, Tribal Liaison and Tax Specialist

Tel. 608-266-8875

E-Mail thomas.ourada@wisconsin.gov

Department of Safety and Professional Services

Nicole Anspach, Public Information Officer

Tel. 608-266-6795

E-Mail NicoleM.Anspach@wisconsin.gov

Department of Tourism

Jeff Anderson, Regional Tourism Specialist

Tel. 715-492-0264

E-Mail janderson@travelwisconsin.com

Department of Transportation

Kelly Jackson, Statewide Tribal Liaison

Tel. 608-266-3761

E-Mail kelly.jackson@wisconsin.gov

Sandy Stankevich, NC Region Tribal Liaison

Tel. 715-365-5784

E-Mail sandy.stankevich@wisconsin.gov

Kris Goodwill, NW Region Tribal

Tel. 715-392-7956

E-Mail Kris.goodwill@dot.wi.gov

Derek Weyer, NE Region Tribal Liaison

Tel. 920-492-0139

E-Mail derek.weyer@wisconsin.gov

Franklin Marcos, SW Region Tribal Liaison

Tel. 608-246-7916

E-Mail franklin.marcos@dot.wi.gov

Elizabeth Callin, SE Region Tribal Liaison

Tel. 262-548-5659

E-Mail elizabeth.callin@dot.wi.gov

Department of Veterans Affairs

Shaun Stoeger, Tribal Veteran Liaison

Tel. 715-492-1595

E-Mail shaun.stoeger@dva.wi.gov

Department of Workforce Development

Andrew Evenson, Legislative Liaison

Tel. 608-266-1756

E-Mail andrewj.evenson@dwd.wisconsin.gov

Department of Justice

(formerly Office of Justice Assistance)

Reisha A. Mitchell, Disproportionate Minority Contact Coordinator

Tel. 608-266-7282

E-Mail mitchaelra2@doj.state.wi.us

Wisconsin Economic Development Corporation

John Parrish

Tel. 608-210-6869

E-Mail john.parrish@wedc.org

WI Housing & Economic Development Authority

Deby Dehn, Community Development Officer

Tel. 800-628-4833

E-Mail deby.dehn@wheda.com

Updated: February 12, 2019 by dawn.vick@dot.gov



^b Each Tribal Nation should have a list of their liaison, representative or point of contact for each agency that they can provide to the state

Wisconsin Tribal Head Officials (Online POC List)

Every Tribal Nation should update their point of contact list annually or as needed. The Wisconsin Head Official list is attached below; and it can be located at this link:

<http://witribes.wi.gov/docview.asp?docid=19085&locid=57>

WISCONSIN TRIBAL HEAD OFFICIALS

Bad River Band of Lake Superior Chippewa

PO Box 39, Odenah, WI 54861
Phone: 715-682-7111
Fax: 715-682-7118
Website: www.badriver.com

Mike Wiggins Jr., Chair

Eldred Corbine, Vice-Chairman
Etta Bums, Treasurer
RaeAnne Maday, Secretary

Council Members:

Millisa Corbine, Sr. Council Member
Barb Smart, Sr. Council Member
Dylan Jennings, Jr. Council Member
Location: Ashland and Iron Counties, northern WI

Forest County Potawatomi Community

PO Box 340, Crandon, WI 54520
Phone: 800-960-5479 or 715-478-7200
Fax: 715-478-5280

Website: www.fcpotawatomi.com

Executive Council

Ned Daniels Jr., Chair

Brenda Shopodock, Vice Chair
Joseph Daniels Sr., Treasurer
James A. Crawford, Secretary
Brooks Boyd, Council Member
Nick Shepard, Council Member
Location: Forest and Milwaukee Counties, WI

Ho-Chunk Nation

W9814 Airport Road
PO Box 667, Black River Falls, WI 54615
Phone: 715-284-9343/800-294-9343
Fax: 715-284-2632
Website: www.ho-chunknation.com

Wilfrid Cleveland, President

Douglas Greengrass, Vice President

Representatives:

District 1: Karena Thundercloud,
Douglas Greengrass, Hinu Helgesen
Smith
District 2: Andrea Estebo, Kristin
WhiteEagle, Carly Lincoln
District 3: Kathy DeCamp, Lawrence
Walker Jr.
District 4: Shelby Visintin
District 5: Kathy Lone Tree-Whiterabbit,
Forrest Whiterabbit, Robert TwoBears,
Matt Mullen

Lac Courte Oreilles Band of Lake Superior Chippewa

Tribal Governing Board
13394 West Trepenia Road
Hayward, WI 54843
Phone: 715-634-8934
Fax: 715-634-4797

Website: www.lco-nsn.gov

Louis Taylor Sr., Chair

Jason Schlender, Vice-Chair

Jason Weaver, Secretary/Treasurer
Council Members:

Rosalie Gokee, Joel Valentin, Tweed
Shuman, Don Carley
TBD, Vice-Chair
TBD, Secretary/Treasurer

Council Members:

Rosalie Gokee, Jason Weaver, Joel
Valentin, Jason Schlender

Location: Sawyer County, northwest WI

Lac du Flambeau Band of Lake Superior Chippewa

PO Box 67, Lac du Flambeau, WI 54538
Phone: 715-588-3303
Fax: 715-588-7930

Website: www.lacduflambeautribe.com

Joseph Wildcat, Sr., President

John "Goobar" Johnson, Vice-President
Beverly LaBarge, Secretary
Gloria Cobb, Treasurer

Council Members:

Dee Allen, Jerome Brooks Big John,
Alice Soulier, George Thompson, Steve
Beson, Betty Jo Gravean, Frank
Mitchell, Sr., William "Bill" Stone, Sr.

Location: Vilas County, north central WI

Menominee Nation

Menominee Tribal Legislature
W2908 Tribal Office Loop
PO Box 910, Keshena, WI 54135-0910
Phone: 715-799-5114
Fax: 715-799-5138/4525
Website: www.menominee-nsn.gov

Doug Cox, Chairperson

Craig Corn, Vice-Chair
Crystal Chapman-Chevalier, Secretary

Council Members:

Gary Besaw, Myrna Warrington, Joan
Delabreau, Eugene Caldwell, Ronald
Corn Sr., Pershing Frechette

Location: Menominee County, NE WI

Stockbridge-Munsee Band of Mohican Indians

N8476 Mo He Con Nuck Road
PO Box 70, Bowler, WI 54416
Phone: 715-793-4111
Fax: 715-793-1307

Website: www.mohican-nsn.gov

Shannon Holsey, President

Jolene Bowman, Vice-President
Terrie Terrio, Treasurer

Council Members:

Craig Tully Kroening, Chad Miller,
Jeremy Mohawk, Sterling Schreiber

Location: Shawano County, NE WI

Oneida Nation of Wisconsin

PO Box 365, Oneida, WI 54155-0365
Phone: 920-869-4380
Fax: 920-869-4040

Website: www.oneidanation.org

Tehassi Hill, Chair

Brandon Stevens, Vice-Chair
Lisa Summers, Secretary
Trish King, Treasurer
Council Members:
David Jordan "Fleet", Jenny Webster,
Kirby Metoxen, Ernest Stevens III,
Daniel Guzman-King
Location: Brown and Outagamie
Counties, northeast Wisconsin

Red Cliff Band of Lake Superior Chippewa

88455 Pike Rd., Hwy. 13
Bayfield, WI 54814
Phone: 715-779-3700
Fax: 715-779-3704

Website: www.redcliff-nsn.gov

Richard "Rick" Peterson, Chair

Nathan Gordon, Vice-Chairman
Johanna Wilson, Treasurer
Laura Gordon, Secretary

At Large Members:

Nicholas Richard DePerry Sr.,
Carolyn Lee Charette-Gouge,
Anthony "Antone" Basina, Christopher
Boyd, Bryan Bainbridge
Location: Bayfield County, NW WI

St. Croix Chippewa Community

24663 Angelina Avenue
Webster, WI 54893
Phone: 715-349-2195
Fax: 715-349-5768
Website: www.stcdw.com

Lewis Taylor, Chair

Crystal Peterson, Vice-Chair
Stuart Bearheart, Secretary/Treasurer

Council Members:

Elmer "Jay" Emery, Carmen Bugg
Location: Barron, Polk and Burnett
Counties, western Wisconsin

Sokaogon Chippewa Community (Mole Lake Band of Lake Superior Chippewa Indians)

3051 Sand Lake Road
Crandon, WI 54520
Phone: 715-478-7500
Fax: 715-478-5275
Website: www.sokaogonchippewa.com

Chris McGeshick, Tribal Chair

Arlyn Ackley, Jr., Vice Chairperson
Ronald Quade, Secretary
Victoria Ackley, Treasurer
James G. Polar, Council Member I
Clinton W. Fox, Council Member II
Location: Forest County, northern WI

Updated: May 2019

UN Policies on Indigenous Peoples

Website: <https://en.unesco.org/indigenous-peoples/un-policies>

Excerpt:

“Universally adopted by the UN General Assembly in 2007, the UN Declaration on the rights of indigenous peoples (link is external) (UNDRIP) provides the minimal standard for engaging with indigenous peoples.

Through Articles 42 of the UNDRIP, 'the United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration'”

In response to this demand, the different UN bodies, and specialized agencies have developed indigenous peoples' policies:

- UNESCO Policy on Engaging with Indigenous Peoples
- FAO Policy on indigenous and tribal peoples(link is external)
- IFAD Engagement with indigenous peoples(link is external)
- UNDP and indigenous peoples: a policy of engagement(link is external)
- UNEP and indigenous peoples: a partnership in caring for the environment policy guidance(link is external)
- World Bank indigenous peoples' policy(link is external)

Other relevant UN standard-setting instruments include:

- Article 8j of the Convention on Biological Diversity(link is external)
- UNREDD Guidelines on Stakeholder Engagement in REDD+ Readiness, With a Focus on the Participation of Indigenous Peoples and Other Forest-Dependent Communities
- UN-HABITAT Housing Indigenous Peoples in Cities: Urban Policy Guides for Indigenous Peoples(link is external)

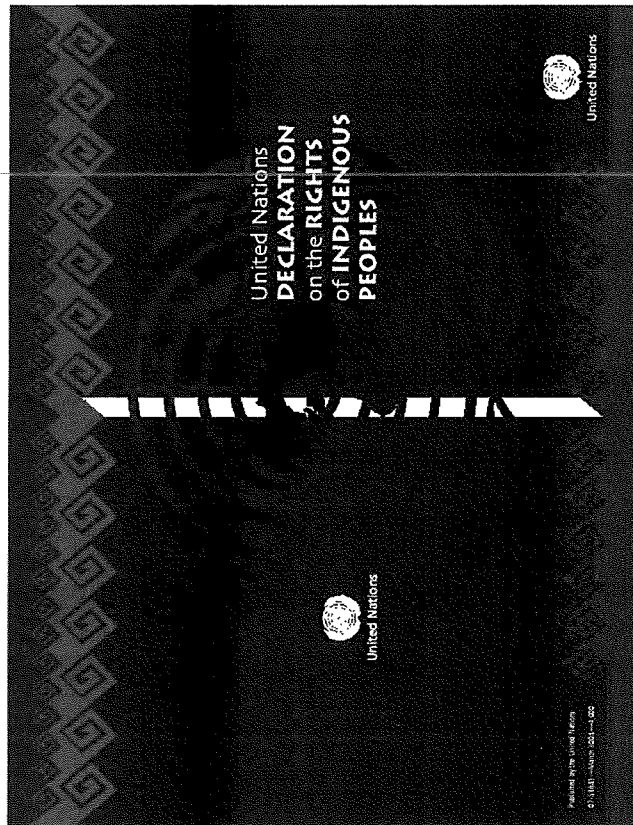
In regards to free, prior, informed consent, the following UN documents are relevant:

- UNREDD Guidelines on Free, Prior and Informed Consent(link is external)

- *Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples*

The United Nations Declaration of the Rights of Indigenous Peoples

https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf



Click the document above to see the entire Resolution

SAMPLE RECOMMENDATION NOTICE FOR STATE - TRIBAL CONSULTATION

Month DD, YYYY

Dear Tribal Leader (and/or designee):

The Wisconsin Department of XYZ is planning our Annual Tribal Consultation meeting for Month day, year in Location. The session will take place at the Location (i.e. Hotel), Address. More information about the meeting site will be posted on the registration page (at website).

During the session, XYZ Principals will be available to speak with tribal leaders to discuss issues important to the tribes and XYZ tribal program priorities. To help both you and the XYZ Principals prepare for this consultation, we have enclosed a draft agenda and we invite you to participate in planning calls to identify individuals who will provide oral testimonies to XYZ, solicit for tribal moderators, and identify specific topics of interest for discussion. The agenda may change based on the comments received. The planning teleconference calls will be held on the following dates and times:

Wednesday, MM/DD/YY @ TIME (i.e. 4:00 p.m. – 4:30 p.m.)

Thursday, MM/DD/YY @ TIME

Tuesday, MM/DD/YY @ TIME

The call-in number and passcode are: 888-888-8888 passcode: 1111111#. *(Please note, if there are a small number of participants on the call, the call may end sooner than 4:30 p.m.)*

XYZ has identified the following topics for consultation:

- i.e. Family First Services Act
- i.e. Title IV-E Planning Grants: What barriers are preventing Tribes from applying for the grant
- i.e. Office of Head Start annual consultation
- i.e. TANF and Welfare reform

The deadline for the receipt of testimonies is Friday MM/DD/YY. However, this deadline does not preclude anyone from providing testimony at the session and we will, to the extent that time allows, hear your testimony. In order to facilitate the discussion, we ask that presenters provide a brief overview of their testimony and include the specific issues to be addressed at the session during registration (all attendees must register here: www.regonline.com/2018XYZ-sample-tribalconsultation). If you need assistance with registration, please call 1-888-888-8888. If you plan on providing testimony, please include the name of the office(s) you wish to address. For any tribe unable to attend in person, XYZ will provide a webinar link, please contact 1-877-777-7777 for the webinar information. Anyone attending by webinar, we ask that you also register for the session.

Please be aware that XYZ will also keep the testimony record open for 30 days after the

date of the consultation. After that time, XYZ will provide written responses to all testimonies received.

Testimonies may be submitted to: anacommissioner@acf.hhs.gov. Hard copy testimonies may also be mailed to:

Ms. Jane Doe
Tribal Liaison for WI Department of XYZ
Street Address
Madison, WI xxxxx

Enclosed is a listing of hotels located in the area of the (EVENT Location). Please make your own reservations.

Should you have any questions about the consultation session, please feel free to contact Commissioner for XYZ at (phone number) or by email at xyzcommissoner@xyz.wi.gov or Deputy Commissioner Jane Doe at (phone number) or by email at jane.doe@xyz.wi.gov.

We look forward to our continuing relationship with you and working together to build healthy and happy communities.

Kind Regards,

Jane Doe
XYZ Secretary
Tribal Liaison XYZ
Enclosures

The above recommended consultation allows all Tribes the opportunity to provide input in setting the agenda. Teleconferences are scheduled to gather input, for the agenda and the consultation. A draft agenda is sent initially for consideration. Tribal Nations are provided a point of contact that includes a name, phone number and email address. All Tribal Nations can participate in the consultation either in person, by phone, and they can submit testimonies in writing; up to 30 days following the date of the consultation. The notice identifies deadlines to submit topic agenda items. The dates and times of the consolation are provided at least 30 days in advance of the meeting. Phone numbers and access codes are provided to each Nation. All Tribal liaisons, designees and/or representatives can participate by phone, in person or in writing. Other online meeting services should be explored and considered, such as Skype, GoTo Meetings, other online interactive meeting software forums, etc.

This is a recommendation for an annual tribal consultation. This does not prohibit agencies from conducting additional consultations throughout the year; nor does it prohibit each tribal nation from contacting state government agencies throughout the year, as needed to address concerns.

ⁱ <http://witribes.wi.gov/>

ⁱⁱ <http://witribes.wi.gov/section.asp?linkid=283&locid=57>

ⁱⁱⁱ <http://witribes.wi.gov/section.asp?linkid=283&locid=57>



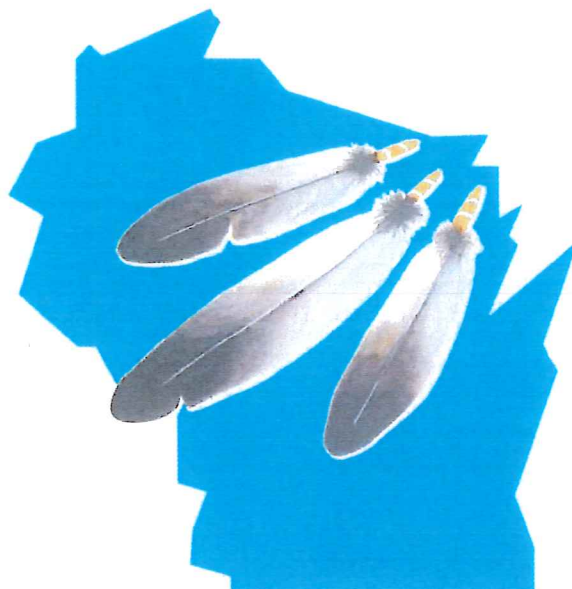
GLITC Emergency Preparedness Summit

Lac du Flambeau | Lake of the Torches Casino, Hotel, and Convention Ctr.

AGENDA

Purpose: Engage in a discussion of emergency management to support plan sharing, effective response, and ongoing collaboration.

7:30AM	Arrival and Check-in
8:30AM	Welcome and Introductions <ul style="list-style-type: none">• Dawn Vick• Lac du Flambeau Chairman• GLITC Chair• Dr. Williams
9:00AM	Emergency Management Primer, Greg Engle
9:15AM	Tribal Emergency Management, Ben Warrington
9:30AM	Emergency Scenario: Initial Response
10:30AM	Break
10:45AM	Emergency Scenario: Mass Care
11:45AM	Lunch
12:30PM	Emergency Scenario: Recovery
1:30PM	Emergency Management Panel
2:30PM	Next Steps, Dawn Vick
3:00PM	Closing Comments



**WISCONSIN
TRIBAL
EMERGENCY
MANAGEMENT
ALLIANCE**

BY-LAWS

4/28/2010

Approved by the WiTEMA Membership
June 8, 2006

Amended and Approved by the WiTEMA Membership
July 29, 2009

Amended and Approved by the WiTEMA Membership
April 28, 2010

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ARTICLE I IDENTITY AND SCOPE

The organization described in this document is the Wisconsin Tribal Emergency Management Alliance, a non-profit organization.

The organization shall consist of members of the Wisconsin Tribal Emergency Management Alliance and related organizations within the boundaries of the State of Wisconsin.

ARTICLE II MISSION

Section 1. The Wisconsin Tribal Emergency Management Alliance, has its

Mission: To advocate, promote, and represent statewide emergency management and response interests of tribes and tribal organizations in order to enhance the safety and security of all tribal members, communities, employees and patrons.

Section 2. **Definitions**

Unless otherwise specifically set forth herein, words and phrases in these By-Laws shall have the following meanings:

- a. "Emergency Management" means all activities and measures undertaken to implement and maintain a coordinated, effective, and efficient emergency management system for mitigation of, preparedness for, response to, and recovery from the effects of man-made or natural emergencies and disasters.
- b. "Man-made or Natural Emergencies and Disasters" means, but is not limited to, the effects of conventional, nuclear, or biological attack; severe weather; earthquake; hazardous materials; floods; transportation incidents; terrorism; fires; riots; public utility interruptions; drought; pandemic; and other similar incidents/events which endanger life and/or property.
- c. "Emergency Management Director, Coordinator or Manager" means the duly appointed person in whom authority is vested for everyday direction, coordination, and administration of the total emergency management program for a tribe or joint county/municipal/tribal organization and/or that persons' designee.

- d. "Contract employee" means those persons who are not full-time employees of the tribe or tribal organization, but have responsibility for emergency preparedness and/or response as a condition of a contractual agreement between said person and a tribe or tribal organization.

ARTICLE III MEMBERSHIP

Section 1. Membership in this Alliance shall consist of those persons who are designated as Tribal Emergency Management Directors/Coordinators/Managers or have related functions or roles in Emergency Management or Emergency Response for the eleven (11) tribal nations within the State of Wisconsin.

Section 2. Discrimination Prohibited

No person shall be ineligible for membership by reason of race, creed, color, sex, or religion.

Section 3. Privileges and Duties of Members

Members are encouraged to attend scheduled meetings of the Alliance and meetings of the Committees to which appointed. Each active member shall be entitled to one vote.

Section 4. Quorum

A quorum shall consist of the number of Alliance voting members at the start of the scheduled meeting. A quorum shall consist of no fewer than three (3) Alliance members. In the event a quorum is not reached, issues requiring voting will be recessed until next scheduled meeting.

ARTICLE IV ELECTED OFFICERS

Section 1. The Elected Officers of the Alliance shall be:

The Chairperson, Vice-Chairperson, and the Secretary.

Section 2. Qualifications

No person may be elected to office, or continue to hold office, unless he/she is an active member of the Alliance (reference Article III – Membership).

Section 3. Method of Election:

- a. Nominations for the offices of Chairperson and Secretary shall be submitted to the Chairperson no less than five (5) business days from the date of elections.
- b. In the event no nominations are received for a position, nominations may be accepted from the floor by those present for the vote.
- c. In the event that more than one person is nominated for an office, a majority of the votes cast shall be required for election. In the event of a tie, votes shall be cast on a second ballot. If a tie still exists, the election shall be decided by the remaining candidates drawing lots.
- d. In all elections, a secret ballot shall be required.
- e. Nominations will be for Chairperson and Secretary only. If there has been more than one person nominated for Chairperson, the person receiving the second-most votes on the Chairperson ballot shall be elected Vice-Chairperson. If a tie exists for Chairperson and/or Vice-Chairperson, see b.
- f. At a minimum, representation of six (6) of the eleven (11) tribes shall be required for any election. Representation may be in the form of absentee balloting (email, telephone, fax, or postal).
- g. Absentee voting shall be permitted in the following circumstances:
 - i. The absent member notifies the Chairperson no fewer than five (5) days in advance of the election.
 - ii. The absent member returns a valid ballot to the Chairperson no later than 4:30 pm the day prior to the election.
- h. In the event a voting quorum of 6 tribal representatives (see f.) is not reached, the voting shall be recessed until the following meeting, or until representation can be reached, either by absentee balloting or through other approved means (see g.).
- i. If quorum is not met for a period of three (3) months, the quorum requirement set forth in subsection f. shall be waived.

- j. No person shall be elected to multiple positions within the Alliance.
- k. No person shall cast a ballot for the same person for multiple positions in the same election.

Section 4. Term of Office

- a. The Chairperson, Vice-Chairperson and Secretary shall serve a term of two (2) years, which shall commence at the meeting following the elections.
- b. No person shall hold the same office for more than one consecutive term.

Section 5. Vacancy in Elected Office

Whenever a vacancy occurs in an elected office for reasons other than expiration of the term of the Incumbent, the vacancy shall be filled in the following manner:

- a. If the vacancy occurs in the Office of Chairperson, the Vice-Chairperson shall assume the Office of Chairperson.
- b. If a vacancy occurs within the Offices of Vice-Chairperson or Secretary, a special election shall be convened, to be held at the next meeting following the announcement of vacancy. Reference Article IV, Section 3 for Method of Election.
- c. The member filling the vacancy shall hold the position for the remainder of the original term of office, and may be eligible to seek re-election following the expiration of original term (Article IV, Section 4, subsection b. does not apply).

Section 6. Removal from Office

- a. An elected officer may be removed from office for cause.
- b. The officer shall be notified of the charges in writing and be afforded not less than fifteen (15) days after receipt of said charges to reply in writing.
- c. A two-thirds (2/3) vote of Alliance members present is required for removal.

Section 7. Duties of Elected Officers**Chairperson:**

The Chairperson shall preside at the meetings of the Alliance, manage the affairs of the Alliance, appoint Standing Committees and any special or Ad Hoc committees, and perform such other duties as may be required by virtue of office.

Vice-Chairperson:

The Vice-Chairperson shall perform all the duties of the Chairperson in case the Chairperson shall be absent or unable to perform his/her duties; and other duties as assigned.

Secretary:

The Secretary shall keep the minutes of all regular and special meetings of the Alliance, and have the care and custody of the books, documents, and records of the Alliance.

Recording Secretary:

The recording secretary is appointed by the Chairperson for the appropriate/designated meeting. The recording secretary will record the minutes of the meeting, transcribe and submit to the Secretary for presentation prior to the next scheduled meeting of the Alliance.

**ARTICLE V
COMMITTEES****Section 1. Ad Hoc Committees:**

These may be formed at any time for special purposes or assignments. They will cease to function when their special task is completed (e.g., conference exhibits, special study teams) or the term length of the committee has expired.

Section 2. Wisconsin Emergency Management Association (WEMA) Board of Directors

- a. WiTEMA shall submit the name of a one tribal representative and one alternate to the Nominations Committee of WEMA in the timeframe established by WEMA Bylaws (Article V, Section 2, a) upon a vacancy, notification of vacancy or the end of a 2-year appointment term.
- b. This appointment shall be made by a majority vote of all current WiTEMA members who also hold current WEMA membership at time of voting.

This person must be a member of WEMA in good standing at the time of appointment and be able to attend meetings as scheduled.

- c. If a tie exists, an additional ballot shall be taken with only those tied parties listed. If a tie cannot be broken, a random lot shall be chosen by the Chairperson or Vice-Chairperson.
- d. In the event the appointed representative cannot complete his/her term of service, the appointed alternate shall take their place for the duration of the original term. If an alternate has not been selected, the process described in Subsection b. of this Section will be utilized to select an appointment candidate.

**ARTICLE VI
PARLIAMENTARY AUTHORITY**

Robert's Rules of Order if adopted shall be the parliamentary authority for all matters of procedure not specifically covered by the By-Laws of this organization.

Oneida Business Committee Travel Request

Approve the travel request - Secretary Lisa Summers - M3 Meeting - Halifax, NS - May 19-23, 2020

1. OBC Meeting Date Requested: 03 / 11 / 20 ☐ e-poll requested**2. General Information:**Event Name: M3 Meeting Re: North American Indigenous GamesEvent Location: Halifax, Nova Scotia Attendee(s): Lisa SummersDeparture Date: May 19, 2020 Attendee(s): Return Date: May 23, 2020 Attendee(s): **3. Budget Information:**☒ Funds available in individual travel budget(s)☐ Unbudgeted☐ Grant Funded or ReimbursedCost Estimate: \$2,100**4. Justification:**

Describe the justification of this Travel Request:

This request is for travel to Halifax, Nova Scotia to attend the final planning meeting with the North American Indigenous Games Board of Directors. Representatives from each region need to attend to finalize all travel, lodging and sport details.

I am the assigned tribal representative for Oneida as well as the Treasurer for Team Wisconsin. We serve as the representatives for Region 8 tribes which include: Wisconsin, Indiana, Michigan and Ohio.

5. SubmissionSponsor: 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

2020 North American Indigenous Games GOVERNING RULES MANUAL

6. Mission Staff

All contingents are encouraged to appoint mission staff responsible for the management of all team planning, preparations and participation in the NAIG. Some responsibilities include:

- Contingent pre-games and games-time communication
- Coach and athlete selection processes
- Collecting registration forms and fees
- Logistics (i.e. transportation, accommodations, food service, travel to the Games)
- Handling disciplinary issues during the Games
- Post games reporting

Mission staff roles and responsibilities are developed by the contingent along with selecting the appropriate number of mission staff to fulfill all duties.

6.1. Chef de Mission

All contingents participating in the NAIG must appoint an individual as the Chef de Mission, who will serve as the team's lead. The Chef de Mission must be mandated by the region and identified to the Host Society. As the Chef de Mission, he/she will represent the interest of their respective P/T/S at all Mission Meetings.

6.2. Mission Meetings

It is the responsibility of the Host Society, in their organizational efforts, to host a series of Mission Meetings prior to and during the NAIG. They are meant for teams to receive updated progress of Host Society plans. Agendas are dictated by hosting standards.

6.2.1. Mission Meetings 1-3

Three Mission Meetings are to be held during the period leading up to the Games known as M1, M2 and M3. This forum provides the Host Society with the opportunity to present games specific plans to the participating contingents, answer questions and gather input from mission staff.

- 6.2.1.1. The timing of the meetings according to hosting standards are:

M1: 12 months prior to the games (July 10 – 12, 2019)

M2: 6 months prior to the games (January 7-9, 2020)

M3: 2 months prior to the games (May 20-22, 2020)

- 6.2.1.2. Attendance at M2 and M3 are mandatory for all Chefs de Mission or Assistant Chefs de Mission. Attendance at M1 is mandatory for at least 1 representative for each team.

Approve the Oneida Trust Enrollment Committee/Oneida Business Committee Memorandum of Agreement
Oneida Business Committee Agenda Request**1. Meeting Date Requested:** 03 / 11 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: New Business☐ Accept as Information only☒ Action - please describe:

To adopt the 2020 amended Oneida Trust Enrollment Committee and Oneida Business Committee Memorandum of Agreement (OTEC/OBC MOA) review/approval. This replaces the previous OTEC/OBC MOA approved by both the Oneida Trust Enrollment Committee and Oneida Business Committee on February 27, 2019 (attached for referenced).

3. Supporting Materials☐ Report ☐ Resolution ☐ Contract☒ Other:1. 2/27/2019 signed OTEC / OBC MOA3. Redacted OTEC Regular Meeting Minutes 2/25/202. Clean copy/Red-line 2020 draft OTEC / OBC MOA4. OTEC Bylaws signed 7/2/2012☒ Business Committee signature required**4. Budget Information**☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Debbie Danforth, Chair/Oneida Trust Enrollment CommitteePrimary Requestor/Submitter: Keith Doxtator, Oneida Trust Enrollment Director
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:

In accordance with OTEC Bylaws approved by GTC on 7/2/2012, Article 1.2.C. states the OTEC and OBC are to amend the MOA on an annual basis. Sub- section sixteen (16) of the 2/27/2019 OTEC / OBC MOA, states the MOA shall be reviewed by both parties on an annual basis at the first quarterly meeting after the annual OTEC Officers election.

The OTEC Officers were elected 9/26/2019.

The OTEC approved the attached red-line 2020 MOA draft on 2/25/2020.

The 2020 OTEC /OBC MOA is respectfully submitted to the Oneida Business Committee for approval.

The word document accompanied this OBC Agenda Request document for your convenience.

Yaw^ko

- 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 TRUST ENROLLMENT COMMITTEE
ONEIDA BUSINESS COMMITTEE
MEMORANDUM OF AGREEMENT**



This Memorandum of Agreement is entered into this 27th day of February 2019 by and between the Oneida Business Committee and the Oneida Trust Enrollment Committee f/k/a Oneida Trust Committee, and both parties agree to respect and abide by the provisions set forth herein.

- WHEREAS, the Oneida General Tribal Council has delegated the authority of Article IV, Section 1 of the Constitution of the Oneida Nation f/k/a Oneida Tribe of Indians of Wisconsin to the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council through GTC Resolution #74-4-28 established the Oneida Trust Enrollment Committee to be responsible for the administration and deposition of the trust monies; and
- WHEREAS, the Oneida General Tribal Council, on January 8, 1977, approved the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," as established by the Oneida Trust Enrollment Committee; and
- WHEREAS, the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," approved March 21, 1977, mandated at least one member of the Oneida Trust Enrollment Committee shall be from and represent the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution #1-8-77-C, delegated administrative authority to the Oneida Trust Enrollment Committee to implement the areas of Trust; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance adopted on July 2, 1984, further defined the role of the Oneida Trust Enrollment Committee as the official committee responsible for all aspects of tribal enrollment including the maintenance of the rolls for the Oneida Nation; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance, has delegated the responsibility for maintaining the official rolls of the Oneida Nation to the Oneida Trust Enrollment Committee, and directed that all means shall be used to insure the maintenance of an accurate and confidential Oneida Nation roll to be located in the Offices of the Oneida Reservation in Wisconsin; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution 1-8-90, has authorized the Oneida Trust Enrollment Committee to hire financial consultants and investment advisors; and

- WHEREAS, the Oneida General Tribal Council, through GTC Resolution 6-30-90-A and the Per Capita Trust Fund Distribution Plan, has directed that per capita payments be made to tribal members sixty-five (65) years of age and older, and has authorized the Oneida Trust Enrollment Committee to manage the distribution of these monies, to collect monies from new tribal revenues, to negotiate with the Oneida Business Committee regarding annual tribal contributions to the trust fund, to veto the invasion of principal of the trust fund, to create additional trust reserves for handicapped, burial and scholarship, and to manage and invest the trust fund; and that no disturbance of this principal shall occur without 2/3 majority vote of all three (3) of the following: Oneida General Tribal Council, Oneida Trust Enrollment Committee and Oneida Business Committee, and
- WHEREAS, on behalf of the Oneida General Tribal Council, the Oneida Business Committee, through the Per Capita Trust Agreement of November 9, 1994, as amended from time to time, transferred authority to the Oneida Trust Enrollment Committee to manage trust accounts for per capita payments to minors, and directed that disputes between the Oneida Trust Enrollment Committee and the Oneida Business Committee be resolved by negotiation, or in the event that negotiations fail, by the Oneida General Tribal Council; and
- WHEREAS, the Oneida Business Committee, through BC Resolution 5-10-95-D, has authorized the Oneida Trust Enrollment Committee to monitor funds held in trust by the BIA, and to utilize technological resources available through the BIA; and
- WHEREAS, the Oneida Business Committee, through the Per Capita Law, has recognized the authority of the Oneida Trust Enrollment Committee to manage trust accounts, to identify persons eligible for per capita payments, to review the Tribal Revenue Allocation Plan, and to submit recommended changes regarding trust and enrollment functions included in the Tribal Revenue Allocation Plan.
- WHEREAS, the Oneida Business Committee, through BC Resolution 2-23-05-G delegated exclusive control to the Oneida Trust Enrollment Committee for managing all Oneida Endowment Funds in accordance with Tribal Law; and
- WHEREAS, the Oneida Trust Enrollment Committee is the official governing and final authoritative body to carry out all policy and procedures in the operation of the Trust Enrollment Department; and
- WHEREAS, the Oneida Business Committee and the Oneida Trust Enrollment Committee have each determined that it is in the best interest of the Oneida Nation that an agreement be reached between the Oneida Business Committee and the Oneida Trust Enrollment Committee regarding the autonomous administration of the Trust Enrollment Department and the exercise of the authority delegated to the Oneida Trust Enrollment Committee; and
- WHEREAS, this Memorandum of Agreement is consistent with the Nation's existing laws, policies, and procedures concerning the administrative and fiduciary responsibilities of the Oneida Trust Enrollment Department and the Oneida Trust Enrollment Committee; and

WHEREAS, the Oneida Business Committee and Oneida Trust Enrollment Committee have each approved the terms of this Memorandum of Agreement and have directed both respective Chairpersons to execute this Agreement on behalf of each Committee;

WITNESSETH:

- 1) The administrative duties and governing activities related to the operation and planning of the Trust Enrollment Department will be by sole approval and sign off authority of the Oneida Trust Enrollment Committee in accordance with the Nation's existing Laws and Policies.
- 2) The Oneida Trust Enrollment Committee, as delegated by the Oneida General Tribal Council, will receive, review, and recommend for approval all enrollment applications pursuant to the Membership Ordinance, with final approval of new enrollees by the Oneida Business Committee.
- 3) All Enrollment information shared with the Oneida Business Committee must be maintained with strictest of confidentiality.
- 4) The Oneida Trust Enrollment Committee will direct the Trust Enrollment Department to expand the data processing base and records located within the Trust Enrollment Department to include:
 - a) Maintain the computerized tribal census database and, in the discretion of the Oneida Trust Enrollment Committee, the distribution of such data to the Nation's departments in accordance with the terms of an approved MOA.
 - i) Enrollment information maintained in a computerized database, regardless of its physical location, shall be subject to the strict confidentiality requirements of the Membership Ordinance. The confidentiality of a computerized enrollment database shall be the responsibility of the Oneida Trust Enrollment Committee. Access to any computerized enrollment database established pursuant to this provision can only be obtained by written approval of the Oneida Trust Enrollment Committee. Employees of the tribal department charged with the responsibility of developing and housing the Enrollment database are bound by the confidentiality requirements of the Membership Ordinance in the same manner as the Oneida Trust Enrollment Committee.
 - b) Maintain the computerized tribal census database for the use of the Oneida Nation and Tribal Members who may be authorized by the Oneida Trust Enrollment Committee, pursuant to the Membership Ordinance, to receive a family tree record for an appropriate fee.
 - c) The Trust Enrollment Department will be responsible for maintaining the information processing systems for the daily monitoring of the Trust Funds and is authorized to subscribe to technological services to monitor, measure, and report on the trust funds.
- 5) All Trust Enrollment Department functions shall be administered in conformity with applicable trust agreements, any other duly approved agreement, ordinance, resolution, by-law, or procedure, as directed by the Oneida General Tribal Council.

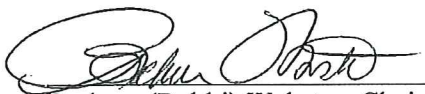
- 6) All Trust Enrollment Department employee grievances will be processed in accordance with the Oneida Nation's laws, policies, and rules governing employment, provided that, there will be no Area Manager review for grievances of the Trust Enrollment Director.
- 7) All contracts, grants, and proposals related to the operation or planning for the Trust Enrollment Department will be first reviewed and endorsed by the Oneida Trust Enrollment Committee. Copies will be provided to the Oneida Business Committee as AInformation only."
- 8) The Oneida Trust Enrollment Committee shall receive 50% of the gross receipts of the vendor licensing revenue collected in accordance with the Vendor Licensing law each year upon completion of the Oneida Nation's organization-wide annual audit. The revenue is designated for deposit only into the Elderly Per Capita Payment Distribution Trust Plan (Elder, Per Capita, Education, and General Welfare Trust) pursuant to GTC Resolution 6-30-90-A Addendum.
- 9) The Oneida Trust Enrollment Committee must approve and the Oneida Business Committee may review fiscal year budgets prepared by the Trust Enrollment Department prior to submission to Oneida General Tribal Council for final approval.
 - a) The Oneida Nation's general fund will provide no less than 75% of the Trust Enrollment Department and the Oneida Trust Enrollment Committee's annual operating budgets for services rendered. The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of its authority, the allocation of funds needed to carry out directives of the Oneida General Tribal Council's or Oneida Business Committee's unfunded or emergency mandates.
 - b) In the event the Nation's contribution warrants revision, it will be negotiated between the Oneida Business Committee and Oneida Trust Enrollment Committee.
 - c) The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of their authority, the allocation of funds needed to carry out the terms of this Agreement.
- 10) Long and short-range planning of the Trust Enrollment Department and the Oneida Trust Enrollment Committee will be coordinated with the Oneida Business Committee at the regularly scheduled Joint meetings or Emergency meetings as needed.
 - a) A quorum of both the Oneida Trust Enrollment Committee and the Oneida Business Committee is required in order to conduct a meeting.
- 11) The Oneida Trust Enrollment Committee will provide written annual and semi-annual reports to the Oneida General Tribal Council in accordance with tribal procedures established for all Oneida General Tribal Council reports.
- 12) The Oneida Trust Enrollment Committee will submit copies of meeting minutes to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust Enrollment Committee.

- 13) Either party may propose amendments to this Agreement by submitting such amendments in writing to the Chairperson of the other party. Notice of the proposed amendments shall thereafter be placed on the agenda for the next regularly scheduled meeting. No amendment shall become effective unless it is agreed to in writing by both parties.
- 14) This Agreement shall supersede any and all prior Memoranda of Agreement between the Oneida Business Committee and Oneida Trust Enrollment Committee and shall remain in effect unless terminated by a party or superseded by a subsequent Memorandum of Agreement between the parties.
- 15) In the event that a provision of this Agreement is determined to be invalid or unenforceable, or is superseded by a directive of the Oneida General Tribal Council, the remaining provisions shall not be affected thereby and shall remain in full force and effect.
- 16) This Memorandum of Agreement shall be reviewed by both parties on an annual basis at the first quarterly meeting after the annual Oneida Trust Enrollment Committee Officers election.
- 17) In the event there is a dispute between the parties regarding the terms of this agreement or any matter related to this agreement, either party may call for dispute resolution by serving written notice on the Chairperson of the other party. Such notice shall specify the nature of the dispute and shall request a meeting of the parties. Within fifteen (15) business days of service of such notice, the parties shall meet in an attempt to resolve the dispute. Neither party shall be entitled to serve notice of termination of this agreement unless this dispute resolution process has been invoked, the parties have met in an attempt to resolve the dispute which serves as the basis for termination, and thirty (30) calendar days have elapsed from the date of such meeting.
- 18) Upon satisfaction of the provisions of paragraph 17 above, either party may terminate this agreement by serving ninety (90) calendar days prior written notice of termination on the other party.
- 19) Any notice which a party is required or permitted to serve on the other party under this agreement shall be served on that party by first-class mail, return receipt requested, certified inter-office mail, or personal delivery, and shall be addressed to the Chairperson of such party at the address listed below. Service shall be effective upon receipt by the party.

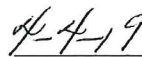
Chair
Oneida Business Committee
P O Box 365
Oneida WI 54155-0365

Chair
Oneida Trust Enrollment Committee
P O Box 365
Oneida WI 54155-0365

IN WITNESS WHEREOF the authorized representatives of the parties have hereunto set their hands on the dates set forth below.



Barbara (Bobbi) Webster, Chair
Oneida Trust Enrollment Committee



Date

Tehassi Hill
Tehassi Hill, Chair
Oneida Business Committee

3-29-19
Date

Approved XX-XX-XXXX
Approved 02-27-2019
Approved 02-14-2018
Approved 02-08-2017
Approved 01-28-2015
Approved 07-25-2012
Approved 06-23-2010
Approved 07-05-2006
Approved 01-12-2005
Approved 04-16-2003
Approved 03-13-2002
Approved 12-31-1992
Approved 02-22-1988



**ONEIDA TRUST ENROLLMENT COMMITTEE
ONEIDA BUSINESS COMMITTEE
MEMORANDUM OF AGREEMENT**



This Memorandum of Agreement is entered into this XX day of Month 2020 by and between the Oneida Business Committee and the Oneida Trust Enrollment Committee and both parties agree to respect and abide by the provisions set forth herein.

- WHEREAS, the Oneida General Tribal Council has delegated the authority of Article IV, Section 1 of the Constitution of the Oneida Nation to the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council through GTC Resolution #74-4-28 established the Oneida Trust Enrollment Committee to be responsible for the administration and deposition of the trust monies; and
- WHEREAS, the Oneida General Tribal Council, on January 8, 1977, approved the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," as established by the Oneida Trust Enrollment Committee; and
- WHEREAS, the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," approved March 21, 1977, mandated at least one member of the Oneida Trust Enrollment Committee shall be from and represent the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution #1-8-77-C, delegated administrative authority to the Oneida Trust Enrollment Committee to implement the areas of Trust; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance adopted on July 2, 1984, further defined the role of the Oneida Trust Enrollment Committee as the official committee responsible for all aspects of tribal enrollment including the maintenance of the rolls for the Oneida Nation; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance, has delegated the responsibility for maintaining the official rolls of the Oneida Nation to the Oneida Trust Enrollment Committee, and directed that all means shall be used to insure the maintenance of an accurate and confidential Oneida Nation roll to be located in the Offices of the Oneida Reservation in Wisconsin; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution 1-8-90, has authorized the Oneida Trust Enrollment Committee to hire financial consultants and investment advisors; and

- WHEREAS, the Oneida General Tribal Council, through GTC Resolution 6-30-90-A and the Per Capita Trust Fund Distribution Plan, has directed that per capita payments be made to members sixty-five (65) years of age and older, and has authorized the Oneida Trust Enrollment Committee to manage the distribution of these monies, to collect monies from new tribal revenues, to negotiate with the Oneida Business Committee regarding annual tribal contributions to the trust fund, to veto the invasion of principal of the trust fund, to create additional trust reserves for handicapped, burial and scholarship, and to manage and invest the trust fund; and that no disturbance of this principal shall occur without 2/3 majority vote of all three (3) of the following: Oneida General Tribal Council, Oneida Trust Enrollment Committee and Oneida Business Committee, and
- WHEREAS, on behalf of the Oneida General Tribal Council, the Oneida Business Committee, through the Per Capita Trust Agreement of November 9, 1994, as amended from time to time, transferred authority to the Oneida Trust Enrollment Committee to manage trust accounts for per capita payments to minors, and directed that disputes between the Oneida Trust Enrollment Committee and the Oneida Business Committee be resolved by negotiation, or in the event that negotiations fail, by the Oneida General Tribal Council; and
- WHEREAS, the Oneida Business Committee, through BC Resolution 5-10-95-D, has authorized the Oneida Trust Enrollment Committee to monitor funds held in trust by the BIA, and to utilize technological resources available through the BIA; and
- WHEREAS, the Oneida Business Committee, through the Per Capita Law, has recognized the authority of the Oneida Trust Enrollment Committee to manage trust accounts, to identify persons eligible for per capita payments, to review the Tribal Revenue Allocation Plan, and to submit recommended changes regarding trust and enrollment functions included in the Tribal Revenue Allocation Plan.
- WHEREAS, the Oneida Business Committee, through BC Resolution 2-23-05-G delegated exclusive control to the Oneida Trust Enrollment Committee for managing all Oneida Endowment Funds in accordance with Tribal Law; and
- WHEREAS, the Oneida Trust Enrollment Committee is the official governing and final authoritative body to carry out all policy and procedures in the operation of the Trust Enrollment Department; and
- WHEREAS, the Oneida Business Committee and the Oneida Trust Enrollment Committee have each determined that it is in the best interest of the Oneida Nation that an agreement be reached between the Oneida Business Committee and the Oneida Trust Enrollment Committee regarding the autonomous administration of the Trust Enrollment Department and the exercise of the authority delegated to the Oneida Trust Enrollment Committee; and
- WHEREAS, this Memorandum of Agreement is consistent with the Nation's existing laws, policies, and procedures concerning the administrative and fiduciary responsibilities of the Oneida Trust Enrollment Department and the Oneida Trust Enrollment Committee; and

WHEREAS, the Oneida Business Committee and Oneida Trust Enrollment Committee have each approved the terms of this Memorandum of Agreement and have directed both respective Chairpersons to execute this Agreement on behalf of each Committee;

WITNESSETH:

- 1) The administrative duties and governing activities related to the operation and planning of the Trust Enrollment Department will be by sole approval and sign off authority of the Oneida Trust Enrollment Committee in accordance with the Nation's existing Laws and Policies.
- 2) The Oneida Trust Enrollment Committee, as delegated by the Oneida General Tribal Council, will receive, review, and recommend for approval all enrollment applications pursuant to the Membership Ordinance, with final approval of new enrollees by the Oneida Business Committee.
- 3) All Enrollment information shared with the Oneida Business Committee must be maintained with strictest of confidentiality.
- 4) The Oneida Trust Enrollment Committee will direct the Trust Enrollment Department to expand the data processing base and records located within the Trust Enrollment Department to include:
 - a) Maintain the computerized tribal census database and, in the discretion of the Oneida Trust Enrollment Committee, the distribution of such data to the Nation's departments in accordance with the terms of an approved MOA.
 - i) Enrollment information maintained in a computerized database, regardless of its physical location, shall be subject to the strict confidentiality requirements of the Membership Ordinance. The confidentiality of a computerized enrollment database shall be the responsibility of the Oneida Trust Enrollment Committee. Access to any computerized enrollment database established pursuant to this provision can only be obtained by written approval of the Oneida Trust Enrollment Committee. Employees of the tribal department charged with the responsibility of developing and housing the Enrollment database are bound by the confidentiality requirements of the Membership Ordinance in the same manner as the Oneida Trust Enrollment Committee.
 - b) Maintain the computerized tribal census database for the use of the Oneida Nation and Members who may be authorized by the Oneida Trust Enrollment Committee, pursuant to the Membership Ordinance, to receive a family tree record for an appropriate fee.
 - c) The Trust Enrollment Department will be responsible for maintaining the information processing systems for the daily monitoring of the Trust Funds and is authorized to subscribe to technological services to monitor, measure, and report on the trust funds.
- 5) All Trust Enrollment Department functions shall be administered in conformity with applicable trust agreements, any other duly approved agreement, ordinance, resolution, by-law, or procedure, as directed by the Oneida General Tribal Council.

- 6) All Trust Enrollment Department employee grievances will be processed in accordance with the Oneida Nation's laws, policies, and rules governing employment, provided that, there will be no Area Manager review for grievances of the Trust Enrollment Director.
- 7) All contracts, grants, and proposals related to the operation or planning for the Trust Enrollment Department will be first reviewed and endorsed by the Oneida Trust Enrollment Committee. Copies will be provided to the Oneida Business Committee as Information only."
- 8) The Oneida Trust Enrollment Committee shall receive 50% of the gross receipts of the vendor licensing revenue collected in accordance with the Vendor Licensing law each year upon completion of the Oneida Nation's organization-wide annual audit. The revenue is designated for deposit only into the Elderly Per Capita Payment Distribution Trust Plan (Elder, Per Capita, Education, and General Welfare Trust) pursuant to GTC Resolution 6-30-90-A Addendum.
- 9) The Oneida Trust Enrollment Committee must approve and the Oneida Business Committee may review fiscal year budgets prepared by the Trust Enrollment Department prior to submission to Oneida General Tribal Council for final approval.
 - a) The Oneida Nation's general fund will provide no less than 75% of the Trust Enrollment Department and the Oneida Trust Enrollment Committee's annual operating budgets for services rendered. The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of its authority, the allocation of funds needed to carry out directives of the Oneida General Tribal Council's or Oneida Business Committee's unfunded or emergency mandates.
 - b) In the event the Nation's contribution warrants revision, it will be negotiated between the Oneida Business Committee and Oneida Trust Enrollment Committee.
 - c) The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of their authority, the allocation of funds needed to carry out the terms of this Agreement.
- 10) Long and short-range planning of the Trust Enrollment Department and the Oneida Trust Enrollment Committee will be coordinated with the Oneida Business Committee at the regularly scheduled Joint meetings or Emergency meetings as needed.
 - a) A quorum of both the Oneida Trust Enrollment Committee and the Oneida Business Committee is required in order to conduct a meeting.
- 11) The Oneida Trust Enrollment Committee will provide written annual and semi-annual reports to the Oneida General Tribal Council in accordance with tribal procedures established for all Oneida General Tribal Council reports.
- 12) The Oneida Trust Enrollment Committee will submit copies of meeting minutes to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust Enrollment Committee.

- 13) Either party may propose amendments to this Agreement by submitting such amendments in writing to the Chairperson of the other party. Notice of the proposed amendments shall thereafter be placed on the agenda for the next regularly scheduled meeting. No amendment shall become effective unless it is agreed to in writing by both parties.
- 14) This Agreement shall supersede any and all prior Memoranda of Agreement between the Oneida Business Committee and Oneida Trust Enrollment Committee and shall remain in effect unless terminated by a party or superseded by a subsequent Memorandum of Agreement between the parties.
- 15) In the event that a provision of this Agreement is determined to be invalid or unenforceable, or is superseded by a directive of the Oneida General Tribal Council, the remaining provisions shall not be affected thereby and shall remain in full force and effect.
- 16) This Memorandum of Agreement shall be reviewed by both parties on an annual basis at the first quarterly meeting after the annual Oneida Trust Enrollment Committee Officers election.
- 17) In the event there is a dispute between the parties regarding the terms of this agreement or any matter related to this agreement, either party may call for dispute resolution by serving written notice on the Chairperson of the other party. Such notice shall specify the nature of the dispute and shall request a meeting of the parties. Within fifteen (15) business days of service of such notice, the parties shall meet in an attempt to resolve the dispute. Neither party shall be entitled to serve notice of termination of this agreement unless this dispute resolution process has been invoked, the parties have met in an attempt to resolve the dispute which serves as the basis for termination, and thirty (30) calendar days have elapsed from the date of such meeting.
- 18) Upon satisfaction of the provisions of paragraph 17 above, either party may terminate this agreement by serving ninety (90) calendar days prior written notice of termination on the other party.
- 19) Any notice which a party is required or permitted to serve on the other party under this agreement shall be served on that party by first-class mail, return receipt requested, certified inter-office mail, or personal delivery, and shall be addressed to the Chairperson of such party at the address listed below. Service shall be effective upon receipt by the party.

Chair
Oneida Business Committee
P O Box 365
Oneida WI 54155-0365

Chair
Oneida Trust Enrollment Committee
P O Box 365
Oneida WI 54155-0365

IN WITNESS WHEREOF the authorized representatives of the parties have hereunto set their hands on the dates set forth below.

Debbie Danforth, Chair
Oneida Trust Enrollment Committee

Date

Tehassi Hill, Chair
Oneida Business Committee

Date

Approved XX-XX-XXXX
Approved 02-27-2019
Approved 02-14-2018
Approved 02-08-2017
Approved 01-28-2015
Approved 07-25-2012
Approved 06-23-2010
Approved 07-05-2006
Approved 01-12-2005
Approved 04-16-2003
Approved 03-13-2002
Approved 12-31-1992
Approved 02-22-1988



ONEIDA TRUST ENROLLMENT COMMITTEE
ONEIDA BUSINESS COMMITTEE
MEMORANDUM OF AGREEMENT



This Memorandum of Agreement is entered into this ~~27th XX~~ day of ~~February 2019~~ Month 2020 by and between the Oneida Business Committee and the Oneida Trust Enrollment Committee ~~f/k/a Oneida Trust Committee~~, and both parties agree to respect and abide by the provisions set forth herein.

Commented [BRT1]: It's been a few years now. I think we can get rid of the f/k/a

WHEREAS, the Oneida General Tribal Council has delegated the authority of Article IV, Section 1 of the Constitution of the Oneida Nation ~~f/k/a Oneida Tribe of Indians of Wisconsin~~ to the Oneida Business Committee; and

Commented [BRT2]: It's been a few years now. I think we can get rid of the f/k/a

WHEREAS, the Oneida General Tribal Council through GTC Resolution #74-4-28 established the Oneida Trust Enrollment Committee to be responsible for the administration and deposition of the trust monies; and

WHEREAS, the Oneida General Tribal Council, on January 8, 1977, approved the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," as established by the Oneida Trust Enrollment Committee; and

Commented [BMP3]: Should this be updated as identified in Brent's comments?

WHEREAS, the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin" approved March 21, 1977, mandated at least one member of the Oneida Trust Enrollment Committee shall be from and represent the Oneida Business Committee; and

Commented [BMP4]: Should this be updated as identified in Brent's comments?

WHEREAS, the Oneida General Tribal Council, through GTC Resolution #1-8-77-C, delegated administrative authority to the Oneida Trust Enrollment Committee to implement the areas of Trust; and

WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance adopted on July 2, 1984, further defined the role of the Oneida Trust Enrollment Committee as the official committee responsible for all aspects of tribal enrollment including the maintenance of the rolls for the Oneida Nation; and

WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance, has delegated the responsibility for maintaining the official rolls of the Oneida Nation to the Oneida Trust Enrollment Committee, and directed that all means shall be used to insure the maintenance of an accurate and confidential Oneida Nation roll to be located in the Offices of the Oneida Reservation in Wisconsin; and

WHEREAS, the Oneida General Tribal Council, through GTC Resolution 1-8-90, has authorized the Oneida Trust Enrollment Committee to hire financial consultants and investment advisors; and

WHEREAS, the Oneida General Tribal Council, through GTC Resolution 6-30-90-A and the Per Capita Trust Fund Distribution Plan, has directed that per capita payments be made to ~~tribal~~ members sixty-five (65) years of age and older, and has authorized the Oneida Trust Enrollment Committee to manage the distribution of these monies, to collect monies from new tribal revenues, to negotiate with the Oneida Business Committee regarding annual tribal contributions to the trust fund, to veto the invasion of principal of the trust fund, to create additional trust reserves for handicapped, burial and scholarship, and to manage and invest the trust fund; and that no disturbance of this principal shall occur without 2/3 majority vote of all three (3) of the following: Oneida General Tribal Council, Oneida Trust Enrollment Committee and Oneida Business Committee, and

WHEREAS, on behalf of the Oneida General Tribal Council, the Oneida Business Committee, through the Per Capita Trust Agreement of November 9, 1994, as amended from time to time, transferred authority to the Oneida Trust Enrollment Committee to manage trust accounts for per capita payments to minors, and directed that disputes between the Oneida Trust Enrollment Committee and the Oneida Business Committee be resolved by negotiation, or in the event that negotiations fail, by the Oneida General Tribal Council; and

WHEREAS, the Oneida Business Committee, through BC Resolution 5-10-95-D, has authorized the Oneida Trust Enrollment Committee to monitor funds held in trust by the BIA, and to utilize technological resources available through the BIA; and

WHEREAS, the Oneida Business Committee, through the Per Capita Law, has recognized the authority of the Oneida Trust Enrollment Committee to manage trust accounts, to identify persons eligible for per capita payments, to review the Tribal Revenue Allocation Plan, and to submit recommended changes regarding trust and enrollment functions included in the Tribal Revenue Allocation Plan.

WHEREAS, the Oneida Business Committee, through BC Resolution 2-23-05-G delegated exclusive control to the Oneida Trust Enrollment Committee for managing all Oneida Endowment Funds in accordance with Tribal Law; and

WHEREAS, the Oneida Trust Enrollment Committee is the official governing and final authoritative body to carry out all policy and procedures in the operation of the Trust Enrollment Department; and

WHEREAS, the Oneida Business Committee and the Oneida Trust Enrollment Committee have each determined that it is in the best interest of the Oneida Nation that an agreement be reached between the Oneida Business Committee and the Oneida Trust Enrollment Committee regarding the autonomous administration of the Trust Enrollment Department and the exercise of the authority delegated to the Oneida Trust Enrollment Committee; and

WHEREAS, this Memorandum of Agreement is consistent with the Nation's existing laws, policies, and procedures concerning the administrative and fiduciary responsibilities of the Oneida Trust Enrollment Department and the Oneida Trust Enrollment Committee; and

Commented [BRT5]: This may be a question for Carl, but does this Whereas conflict with BC Resolution 3-27-19-D?

WHEREAS, the Oneida Business Committee and Oneida Trust Enrollment Committee have each approved the terms of this Memorandum of Agreement and have directed both respective Chairpersons to execute this Agreement on behalf of each Committee;

WITNESSETH:

- 1) The administrative duties and governing activities related to the operation and planning of the Trust Enrollment Department will be by sole approval and sign off authority of the Oneida Trust Enrollment Committee in accordance with the Nation's existing Laws and Policies.
- 2) The Oneida Trust Enrollment Committee, as delegated by the Oneida General Tribal Council, will receive, review, and recommend for approval all enrollment applications pursuant to the Membership Ordinance, with final approval of new enrollees by the Oneida Business Committee.
- 3) All Enrollment information shared with the Oneida Business Committee must be maintained with strictest of confidentiality.
- 4) The Oneida Trust Enrollment Committee will direct the Trust Enrollment Department to expand the data processing base and records located within the Trust Enrollment Department to include:
 - a) Maintain the computerized tribal census database and, in the discretion of the Oneida Trust Enrollment Committee, the distribution of such data to the Nation's departments in accordance with the terms of an approved MOA.
 - i) Enrollment information maintained in a computerized database, regardless of its physical location, shall be subject to the strict confidentiality requirements of the Membership Ordinance. The confidentiality of a computerized enrollment database shall be the responsibility of the Oneida Trust Enrollment Committee. Access to any computerized enrollment database established pursuant to this provision can only be obtained by written approval of the Oneida Trust Enrollment Committee. Employees of the tribal department charged with the responsibility of developing and housing the Enrollment database are bound by the confidentiality requirements of the Membership Ordinance in the same manner as the Oneida Trust Enrollment Committee.
 - b) Maintain the computerized tribal census database for the use of the Oneida Nation and Tribal Members who may be authorized by the Oneida Trust Enrollment Committee, pursuant to the Membership Ordinance, to receive a family tree record for an appropriate fee.
 - c) The Trust Enrollment Department will be responsible for maintaining the information processing systems for the daily monitoring of the Trust Funds and is authorized to subscribe to technological services to monitor, measure, and report on the trust funds.
- 5) All Trust Enrollment Department functions shall be administered in conformity with applicable trust agreements, any other duly approved agreement, ordinance, resolution, by-law, or procedure, as directed by the Oneida General Tribal Council.

- 6) All Trust Enrollment Department employee grievances will be processed in accordance with the Oneida Nation's laws, policies, and rules governing employment, provided that, there will be no Area Manager review for grievances of the Trust Enrollment Director.
- 7) All contracts, grants, and proposals related to the operation or planning for the Trust Enrollment Department will be first reviewed and endorsed by the Oneida Trust Enrollment Committee. Copies will be provided to the Oneida Business Committee as ~~A~~Information only."
- 8) The Oneida Trust Enrollment Committee shall receive 50% of the gross receipts of the vendor licensing revenue collected in accordance with the Vendor Licensing law each year upon completion of the Oneida Nation's organization-wide annual audit. The revenue is designated for deposit only into the Elderly Per Capita Payment Distribution Trust Plan (Elder, Per Capita, Education, and General Welfare Trust) pursuant to GTC Resolution 6-30-90-A Addendum.
- 9) The Oneida Trust Enrollment Committee must approve and the Oneida Business Committee may review fiscal year budgets prepared by the Trust Enrollment Department prior to submission to Oneida General Tribal Council for final approval.
 - a) The Oneida Nation's general fund will provide no less than 75% of the Trust Enrollment Department and the Oneida Trust Enrollment Committee's annual operating budgets for services rendered. The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of its authority, the allocation of funds needed to carry out directives of the Oneida General Tribal Council's or Oneida Business Committee's unfunded or emergency mandates.
 - b) In the event the Nation's contribution warrants revision, it will be negotiated between the Oneida Business Committee and Oneida Trust Enrollment Committee.
 - c) The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of their authority, the allocation of funds needed to carry out the terms of this Agreement.
- 10) Long and short-range planning of the Trust Enrollment Department and the Oneida Trust Enrollment Committee will be coordinated with the Oneida Business Committee at the regularly scheduled Joint meetings or Emergency meetings as needed.
 - a) A quorum of both the Oneida Trust Enrollment Committee and the Oneida Business Committee is required in order to conduct a meeting.
- 11) The Oneida Trust Enrollment Committee will provide written annual and semi-annual reports to the Oneida General Tribal Council in accordance with tribal procedures established for all Oneida General Tribal Council reports.
- 12) The Oneida Trust Enrollment Committee will submit copies of meeting minutes to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust Enrollment Committee.

- 13) Either party may propose amendments to this Agreement by submitting such amendments in writing to the Chairperson of the other party. Notice of the proposed amendments shall thereafter be placed on the agenda for the next regularly scheduled meeting. No amendment shall become effective unless it is agreed to in writing by both parties.
- 14) This Agreement shall supersede any and all prior Memoranda of Agreement between the Oneida Business Committee and Oneida Trust Enrollment Committee and shall remain in effect unless terminated by a party or superseded by a subsequent Memorandum of Agreement between the parties.
- 15) In the event that a provision of this Agreement is determined to be invalid or unenforceable, or is superseded by a directive of the Oneida General Tribal Council, the remaining provisions shall not be affected thereby and shall remain in full force and effect.
- 16) This Memorandum of Agreement shall be reviewed by both parties on an annual basis at the first quarterly meeting after the annual Oneida Trust Enrollment Committee Officers election.
- 17) In the event there is a dispute between the parties regarding the terms of this agreement or any matter related to this agreement, either party may call for dispute resolution by serving written notice on the Chairperson of the other party. Such notice shall specify the nature of the dispute and shall request a meeting of the parties. Within fifteen (15) business days of service of such notice, the parties shall meet in an attempt to resolve the dispute. Neither party shall be entitled to serve notice of termination of this agreement unless this dispute resolution process has been invoked, the parties have met in an attempt to resolve the dispute which serves as the basis for termination, and thirty (30) calendar days have elapsed from the date of such meeting.
- 18) Upon satisfaction of the provisions of paragraph 17 above, either party may terminate this agreement by serving ninety (90) calendar days prior written notice of termination on the other party.
- 19) Any notice which a party is required or permitted to serve on the other party under this agreement shall be served on that party by first-class mail, return receipt requested, certified inter-office mail, or personal delivery, and shall be addressed to the Chairperson of such party at the address listed below. Service shall be effective upon receipt by the party.

Chair
Oneida Business Committee
P O Box 365
Oneida WI 54155-0365

Chair
Oneida Trust Enrollment Committee
P O Box 365
Oneida WI 54155-0365

IN WITNESS WHEREOF the authorized representatives of the parties have hereunto set their hands on the dates set forth below.

Barbara (Bobbi) Webster Debbie Danforth, Chair
Oneida Trust Enrollment Committee

Date

Tehassi Hill, Chair
Oneida Business Committee

Date

Approved XX-XX-XXXX

Approved 02-27-2019

Approved 02-14-2018

Approved 02-08-2017

Approved 01-28-2015

Approved 07-25-2012

Approved 06-23-2010

Approved 07-05-2006

Approved 01-12-2005

Approved 04-16-2003

Approved 03-13-2002

Approved 12-31-1992

Approved 02-22-1988

Regular Trust Enrollment Committee Minutes
25 February 2020
Page 4 of 6

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E. OTEC-BC MOA Annual Review

02-25-20 – Status Update – Request to Approve

Handout

Loretta Metoxen motioned to approve with noted changes. Seconded by Lisa Liggins. Motion carried unanimously.

[REDACTED]

[REDACTED]

[REDACTED]

Oneida Trust/Enrollment Committee Bylaws

Article I. Authority

1. Name
 - A. The official name of this committee shall be the Oneida Trust/Enrollment Committee.
2. Authority
 - A. By the authority of the Oneida Tribe of Indians of Wisconsin, the Oneida Trust/Enrollment Committee was established by General Tribal Council Resolution 4-28-74 and approved by the Oneida General Tribal Council, and charged with duties and responsibilities as set forth in General Tribal Council Resolution 1-8-77-C and approved by General Tribal Council on 07-02-12.
 - B. The Oneida Membership Ordinance established by General Tribal Council Resolution 7-2-84-A, charged the Oneida Trust/Enrollment Committee with membership duties and responsibilities.
 - C. A Memorandum of Agreement exists between the Oneida Trust/Enrollment Committee and Oneida Business Committee and is amended on an annual basis.
 - D. The Oneida Trust/Enrollment Committee has the authority to hire personnel, including, but not limited to a Trust Director and an Enrollment Director. The hiring of all personnel shall be conducted in accordance with the Tribe's personnel policies and procedures and shall be dependent on available funding.
 - E. The purpose of the Oneida Trust/Enrollment Committee is to
 - 1) administer the Emigrant New York Indian Claims Award Docket 75 Trust Fund known as Elderly Per Capita, Higher Education and General Welfare Trust a/f/k/a/ the Elderly Per Capita Payment Distribution Fund and the Oneida Trust Scholarship Fund;
 - 2) administer the Minors Per Capita Trust Funds;
 - 3) administer the Language Revitalization Fund;
 - 4) administer the Per Capita Endowment Fund and any other trusts which may be created;
 - 5) monitor funds held in the name of the Oneida Tribe of Indians of Wisconsin at the Bureau of Indian Affairs;
 - 6) exercise exclusive control of the investment and collection of principal, interest and investments of all monies deposited in, and income derived from, all Oneida Tribe endowment fund accounts; maintain the official roll of the Oneida Tribe of Indians of Wisconsin;
 - 7) approve new applications for enrollment; and
 - 8) supervise the Oneida Trust and Enrollment Departments.
3. Office
 - A. The official mailing address of the Oneida Trust/Enrollment Committee, the Trust Department, and the Enrollment Department is P.O. Box 365, Oneida, WI 54155.
 - B. The physical address of the Trust Department is 909 Packerland Drive, Green Bay, WI 54303. The physical address of the Enrollment Department is 210 Elm Street, Oneida, Wisconsin 54155. The physical address of each Department is subject to change from time to time with approval of the Oneida Trust/Enrollment

Committee.¹ These changes do not require the approval of the General Tribal Council.

4. Membership

A. The Oneida Trust/Enrollment Committee shall be composed of nine (9) members, one (1) of whom will be a member of and represent the Oneida Business Committee. Committee members are elected by the Oneida General Tribal Council by casting ballots at the annual Tribal elections.

B. Qualifications

- 1) To be eligible to run for the Oneida Trust/Enrollment Committee, a candidate shall have the following qualifications:
 - a) Shall be an enrolled Oneida Tribal Member who is eligible to vote in tribal elections.
 - b) Shall live on or near the reservation (within the external boundaries of the Oneida Reservation or in a surrounding community).
 - c) Shall have the ability to honorably protect and uphold the purpose of the Oneida Trust/Enrollment Committee with integrity, diligence and foresight.
 - d) Must be able to obtain a fiduciary bond.

C. Vacancies, Appointments, Resignations, Suspensions, and Removals

1) Vacancies and Appointments

- a) If any member dies, resigns, is removed, is incapacitated, or is otherwise unable to serve, the Chairperson of the Oneida Trust/Enrollment Committee shall select a candidate who, upon approval of the Oneida Trust/Enrollment Committee and the Oneida Business Committee, shall serve the remainder of the former member's term.
- b) If, after the annual election, a position on the Oneida Trust/Enrollment Committee remains vacant due to the lack of a sufficient number of qualified candidates in the election, the Chairperson of the Oneida Trust/Enrollment Committee shall select a candidate who, upon approval by the Oneida Trust/Enrollment Committee and the Oneida Business Committee, shall serve as if elected in the annual election.

2) Resignation

- a) A resignation shall be submitted in writing at any regular Oneida Trust/Enrollment Committee meeting.

3) Attendance

- a) Attendance at Oneida Trust/Enrollment Committee meetings is critical for the ongoing operation and growth of each department. The Oneida Trust/Enrollment Committee has high expectations when it comes to attendance; therefore, attendance will be closely monitored. Failure to attend meetings on a regular basis or missing three consecutive meeting without prior notification will prompt the Oneida Trust/Enrollment Committee

¹ The Oneida Trust/Enrollment Committee will honor the community's desire to keep the Enrollment Department within central Oneida.

to add the attendance issue to the agenda for discussion and possible action.

D. Challenged Elections

- 1) In the event of a challenged election, all Oneida Trust/Enrollment Committee members holding positions prior to the election shall remain members of the Oneida Trust/Enrollment Committee until the election dispute is resolved.

E. Subcommittees

- 1) A subcommittee may be appointed by the Chairperson of the Oneida Trust/Enrollment Committee to carry out specific duties, when deemed necessary. The subcommittee shall serve until the duties with which this subcommittee has been charged are completed, and a report has been accepted by the Oneida Trust/Enrollment Committee. Upon dissolution the respective department administrative assistants are responsible for materials to be filed or destroyed.

Article II. Officers

1. Officer Selection Process

- A. Officers shall be elected by the Oneida Trust/Enrollment Committee at the first Regular monthly meeting following the final result of a valid annual election of Oneida Trust/Enrollment Committee positions, will take office, and serve a one (1) year term.
- B. If an officer position is vacated, an interim election shall be held by the Oneida Trust/Enrollment Committee to fill the office for the balance of the year.
- C. Any Oneida Trust/Enrollment Committee member nominated for an office as defined in Article II of these bylaws may communicate acceptance of such nomination via correspondence, which may include electronic communications such as email and facsimile and written correspondence.
- D. Any nomination for an officer position defined in Article II can be made only by an Oneida Trust/Enrollment Committee member who is physically present at a duly called meeting of the Oneida Trust/Enrollment Committee.

2. Positions

A. Chairperson

- 1) The Chairperson presides at meetings, appoints committees, oversees all Oneida Trust/Enrollment Committee activities, schedules Special meetings, and supervises the Directors of both the Enrollment and Trust Departments. The Chair shall invite input from Committee members for evaluations.
- 2) The Chairperson of the Oneida Trust/Enrollment Committee shall serve as an ex-officio member of all established subcommittees.

B. Vice-Chairperson

- 1) The Vice-Chairperson acts with the same authority as the Chairperson in the absence of the Chairperson.

C. Secretary

- 1) The Secretary is responsible for correspondence and minutes of all meetings.
- 2) In the absence of the Chairperson and Vice-Chairperson, to the Secretary may call the meeting to order and preside until the immediate election of a

Chair Pro Tem.

Article III. Committee Duties

1. The duties of the Oneida Trust/Enrollment Committee include, but are not limited to the following:
 - A. Complete the Oneida Trust/Enrollment Committee Confidentiality Statement and the Non-Disclosure Agreement. At the commencement of taking office, new members shall complete the forms and provide the completed forms to the Trust Director. Upon submission of forms to the Trust Director the member shall have the authority to vote and or receive a stipend payment.
 - B. Provide direction to the Oneida Trust and Enrollment Departments. The Directors of the Trust and Enrollment Departments are responsible to the Oneida Trust/Enrollment Committee, and under the immediate supervision of the Chairperson of the Oneida Trust/Enrollment Committee, or his or her designee. The Enrollment Director and the Trust Director shall comply with all directives of the Oneida Trust/Enrollment Committee and cooperate with the members and representatives of the Oneida Trust/Enrollment Committee.
 - C. Report to the Oneida General Tribal Council semiannually.
 - D. Develop policy relating to the trust funds and enrollment for adoption by the Oneida Trust/Enrollment Committee and/or the Oneida General Tribal Council.
 - E. Oversee Trust Fund distributions.
 - F. Participate in continuing training including orientation, board training and workshops pertaining to investing, fiduciary, Administrative Procedures Act and general knowledge of the policies and procedures of the Oneida Tribe of Indians of Wisconsin. Members of the Committee will also be familiar with the various trust and departmental guidelines and standard operating procedures.
 - G. Carry out all enrollment duties as prescribed in the Membership Ordinance and any subsequent enrollment laws.
 - H. Conduct oversight on Trust Fund investment activity, provide due diligence in all matters relating to the Trust, and maintain fiduciary responsibility in management of the funds in accordance with the requirements of the Oneida Trust Agreements.

Article IV. Meetings

1. Regular Meetings
 - A. The Oneida Trust/Enrollment Committee will meet the first (1st) Tuesday of each month for Enrollments, and the fourth (4th) Tuesday of each month for the Trust. Time and place of meetings shall be established by the Oneida Trust/Enrollment Committee.
2. Emergency/Special Meetings
 - A. The Chairperson may call Emergency/Special meetings. There shall be a minimum of 24 hour verbal notice to all Committee members of any emergency and/or special meeting.
3. Agenda and Meeting Materials
 - A. The Chairperson shall approve the agenda.
 - B. Notice of meeting location, agenda, and materials shall be forwarded to the Committee members by the Enrollment Department or the Trust Department, depending on the subject matter of the meeting.
4. Quorums

- A. A majority of the Oneida Trust/Enrollment Committee shall constitute a quorum. If a quorum is not present within 15 minutes of the announced meeting time, the meeting will be declared dismissed.
- 5. Parliamentary Procedure
 - A. All meetings shall be conducted in accordance with the rules contained in the current edition of ROBERT'S RULES OF ORDER, in all cases to which they are applicable, unless they are inconsistent with these Bylaws and/or any special rules of order the Oneida Trust/Enrollment Committee may adopt.
- 6. Order of Business
 - A. The regular meetings of the Oneida Trust/Enrollment Committee shall follow the order of business as set out herein:
 - 1) Call Meeting to Order
 - 2) Approve Agenda
 - 3) Approve Minutes
 - 4) Attorney Business
 - 5) Old Business
 - 6) New Business
 - 7) Other Business
 - 8) Adjournment
 - B. The emergency/special meetings of the Oneida Trust/Enrollment Committee shall follow the order of business as set by the Chairperson.
- 7. Voting
 - A. Voting shall be in accordance with the simple majority vote of the Committee members present at a duly called meeting.
 - B. The Chairperson may not vote except in the event of a tie.
 - C. Each Oneida Trust/Enrollment Committee member shall have one (1) vote.
 - D. Conflicts of Interest
 - 1) In cases where a conflict of interest exists, a Committee member shall recuse themselves from an action, or the Oneida Trust/Enrollment Committee can vote by a majority of the quorum present to exclude a Committee member they believe has a conflict.
- 8. Stipends
 - A. Meetings
 - 1) A Committee member is eligible to receive a stipend if a quorum has been established in accordance with Article IV 4.
 - 2) A Committee member's stipend is \$75 for attending meetings, regular or special, at least one (1) hour regardless of the length of the meeting.
 - 3) The Chairperson must supervise the departments' directors, which requires additional work. The Chairperson's stipend is \$100 for attending meetings, regular or special, at least one (1) hour regardless of the length of the meeting.
 - B. Conferences and Training
 - 1) Reimbursement for conferences and training shall be in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions, Article XI, 11-6, 11-7 and 11-8.

Article V. Reporting

- 1. General

- A. The Oneida Trust/Enrollment Committee will report to the Oneida General Tribal Council semiannually.
2. Format
 - A. Agenda items shall be in an identified format.
3. Minutes
 - A. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Oneida Trust/Enrollment Committee.
 - B. The Oneida Trust Department will provide copies of minutes of the Oneida Trust/Enrollment Committee meetings pertaining to the Trust to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust/Enrollment Committee.
 - C. The Oneida Enrollment Department will provide copies of minutes of the Oneida Trust/Enrollment Committee meetings pertaining to Enrollments to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust/Enrollment Committee.
 - D. All copies of minutes will be stamped confidential and held by the Tribal Secretary in a sensitive documents area of tribal records.
 - E. Original minutes of the Oneida Trust/Enrollment Committee meetings will be stamped confidential and held by each respective department in a sensitive documents area.
4. Attachments
 - A. Handouts, reports, memoranda, and the like shall be attached to the original minutes and agenda.

Article VI. Amendments

1. At the first regular meeting following certification of election results, a review of these Bylaws will be conducted in order to determine that they are current.
2. The Oneida Trust/Enrollment Committee, upon written notice, may at any of its Regular meetings, by majority vote of voting members, present, adopt, amend, or repeal any or all of the Bylaws provided that the amendment or repeal has been submitted in writing at the previous regular monthly meeting.
3. All amendments are subject to subsequent approval by the Oneida General Tribal Council.

Approved by Oneida Trust/Enrollment Committee:

February 28, 2012

Approved by General Tribal Council:

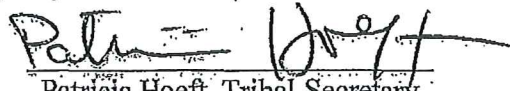
July 2, 2012

CERTIFICATION

I, the undersigned, as Chairperson of the Oneida Trust/Enrollment Committee, hereby certify that the Bylaws, as amended and revised, were adopted by the Oneida Trust/Enrollment Committee on the 28 day of February 2012.


Carole Liggins, Chairperson
Oneida Trust/Enrollment Committee

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council, in session with a quorum of 1861 members present, at a meeting duly called, noticed and held on the 2nd day of July, 2012; that the foregoing bylaws were duly adopted at such meeting by a two-thirds vote of those present and that said bylaws have not been amended in any way.


Patricia Hoeft, Tribal Secretary
Oneida Business Committee

Oneida Business Committee Agenda Request

Approve the amendment - Brown County Public Works Department project agreement - file # 2020-0203

1. Meeting Date Requested: 03 / 11 / 20**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 Business Committee Agenda Request**6. Cover Memo:**

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

Project agreement re: VV interchange improvements which include road improvements, storm water pond and sidewalks.

At the December 11, 2019, regular BC meeting, under the Chief Counsel report, the following action took place:

Motion by Brandon Stevens to approve a limited waiver of sovereign immunity - Brown County Public Works Department project agreement - file # 2019-1359, 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

Since that time, the terms of the project agreement has been further negotiated, specifically to the stormwater retention pond listing, under section 2.2.

Requested Action:

Approve the amendment to the Brown County Public Works Department project agreement - file # 2020 0203

- 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 LAW OFFICE*CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: James J. Petitjean
Engineering Department

Use this number on future correspondence:

2020-0203

FROM: Carl J. Artman, Staff Attorney

Carl J. Artman

Digitally signed by Carl J. Artman
Date: 2020.02.28 18:21:09 -06'00'

DATE: February 28, 2020

RE: Brown County-Project Agreement

Purchasing Department Use

Contract Approved

Contract Not Approved

(see attached e-mail for details)

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.)*

Brown County

PROJECT AGREEMENT

Project ID #: VV-3Tribe: Oneida NationHighway: CTH TS
CTH VV – N. OverlandConstruction Year: 2021-2022Limits: RoadLength: 0.48 miles

1.0 GENERAL

The signatory, Oneida Nation (Tribe), through its undersigned duly authorized officers or officials, hereby requests the Brown County Public Works Department (County) to initiate and effect the proposed improvement (Project) hereinafter described.

2.0 PROJECT SUMMARY

1. Reason for Project (existing facility)

The existing STH 29 facility is a rural 4-lane divided highway with an at-grade intersection at STH 29/County VV. The County received a BUILD Grant to eliminate the at-grade intersection along STH 29 in Brown County.

2. Proposed Improvement (nature and scope of work)

The proposed project will eliminate the at-grade intersection at STH 29 and CTH VV in Brown County. The intersection of STH 29 and CTH VV will be replaced by a full-access interchange approximately 1,600 feet west of the existing intersection that will include sidewalks, striped on-street bicycle lanes, and roundabouts at the ramp terminals and nearby intersections.

The proposed interchange layout will eliminate the existing intersection of CTH VV and N. Overland Road. A 0.48 mile segment of new roadway (CTH TS) will be constructed to maintain direct access between CTH VV and N. Overland Road. One storm water pond will be constructed along CTH TS. See Attachment 2: CTH TS Location Map for additional information.

CTH TS will pass through property owned by the Tribe. The right-of-way for the new roadway will be acquired by the Wisconsin Department of Transportation as a Limited Highway Easement (LHE). A Limited Highway Easement (LHE) is the acquisition of interest in property for highway purposes; therefore, the Oneida Nation will retain ownership of the property.

3.0 PROJECT FUNDING

There are no project funding costs associated with this agreement. The project will be funded by separate agencies under separate project agreements.

4.0 MAINTENANCE RESPONSIBILITIES, JURISDICTION, AND UTILITY ACCOMMODATIONS

4.1 Maintenance

Section 83.025 of the Wisconsin Statutes governs the maintenance of county highways, specifically:

- 83.025(2) Width of highway maintained by the County includes every way open to the use of the public as a matter of right for the purposes of vehicular travel, including the shoulder. In an urban area this would include the curb and gutter.
- 83.025(2) Maintenance of a county highway includes those measures and activities necessary to preserve the highway, as nearly as possible, in the condition of its construction including:
 - Shoulder maintenance
 - Ditch Maintenance
 - Pavement marking
 - Signing
 - Crack sealing
 - Asphalt patching
 - Concrete pavement repair
 - Asphalt resurfacing
 - Curb and gutter repair
 - Street sweeping
 - Application of protective coatings (bridges)
 - Guard rail
 - Removal, treatment and sanding/salting of ice
 - Removal and control of snow
 - Interim repair of highway surfaces and adjacent structures
 - Center median mowing (performed only for visibility purposes)
 - Traffic signal operation

Items that are the responsibility of the Tribe to maintain on CTH TS, include:

- Street lighting
- Interim sidewalk repair
- Pavement marking associated with sidewalks (crosswalks)
- Interim storm sewer repair including manhole and inlet castings
- Mowing behind the curb line (terrace area)
- Center median mowing (performed for aesthetic purposes)
- Snow and ice removal on sidewalks and/or bike paths
- Storm water devices (ponds, infiltration areas, etc. – anything other than a ditch)
 - Includes a storm water pond on CTH TS.
- Trees, shrubs, and other landscaping within the right-of-way

Neither of these maintenance lists is intended to be 'all inclusive', but, rather to demonstrate measures and activities necessary to preserving a highway defined as that portion of the roadway open to the public as a matter of right for the purposes of vehicular travel, including the shoulder and/or curb and gutter.

At the request of the Tribe, interim repairs of storm sewer, manholes, inlets, and castings may be completed by Brown County. In that case, Brown County and the Tribe will enter into an annual

maintenance agreement for the work. Brown County will charge machinery, labor, and material costs including small tools and administration charges for all work performed.

4.2 Jurisdiction

CTH TS is a new County highway segment that will be maintained by the County according to Section 4.1 of this agreement. The County and the Tribe will follow Attachment #1 for eligible and non-eligible project costs on future projects on CTH TS.

Note: Additions to the County Trunk Highway System require resolutions from the County Board to become effective. If a roadway is noted to be added, it indicates an agreement in principal to pursue the transfer contingent upon the County approving the necessary resolutions.

The street name for CTH TS will be determined by the Tribe.

4.3 Utility Accommodations

The right-of-way for CTH TS will be acquired as a Limited Highway Easement (LHE); therefore, anyone wishing to place utilities or work within the CTH TS right-of-way shall have approval from the Tribe prior to obtaining approval from the County.

5.0 AUTHORIZATION

This request is made by the undersigned proper authority to make such request for the designated Tribe, and upon acceptance by the County, shall constitute agreement between the Tribe and the County.

FOR THE TRIBE:

Name & Title

Date

FOR THE COUNTY:

Paul Fontecchio, Director
Brown County Public Works Department

Date

ATTACHMENT 1:
PROJECT AGREEMENT COST SHARE POLICY

Brown County Public Works follows state law as found in Trans 205 for County Trunk Highway Standards or the Wisconsin Department of Transportation's Facility Design Manual (FDM) for the design, maintenance, and improvements of county trunk highways.

PROJECT TYPE	BROWN COUNTY	TRIBE
Asphalt Reconditioning: <i>Reconditioning is defined as a maintenance level activity involving the reclaiming of the existing pavement and/or base course, replacement of the pavement in generally the same alignment (vertical and horizontal).</i>		
A. Reclaim of existing pavement & base course	100%	0%
B. Paving of up to 4.5" asphaltic pavement	100%	0%
C. Curb & gutter replacement (spot repairs as part of reconditioning).	100%	0%
D. Curb & gutter replacement (larger areas of repairs as agreed to by the Tribe and County).	50%	50%
E. Curb & gutter replacement for Tribe utility work.	0%	100%
Roadway Reconstruction: <i>Reconstruction is defined as the total rebuilding of an existing highway including pavement and base replacement, excavation below subgrade, drainage, transportation related appurtenances, roadway realignment, widening, and/or converting a rural roadway to an urban roadway.</i>		
A. Urban Reconstruction: New concrete curb & gutter, storm sewer, asphalt or concrete pavement (see eligible project costs).	50%	50%
B. Rural Reconstruction: Reconstruction of existing 2-lane roadway, no additional travel lanes.	100%	0%
C. Rural Reconstruction: Reconstruction and widening of existing 2-lane roadway, travel lane addition, including 3-lane with center-shared, left-turn, or 4-lane divided or undivided roadway (see eligible project costs).	50%	50%

Eligible Project Costs:	
County eligible construction project funding will be limited to participation in the costs of the following items as specified in the estimate summary:	
A.	Design engineering and all necessary environmental and wetland assessment investigations as required by the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers.
B.	Right-of-way acquisition cost, including the cost of the right-of-way plat development, property appraisals, acquisition negotiations, legal costs and relocation expenses and fees for limited construction easements, and compensable utility relocation costs.
C.	Wetland replacement mitigation.
D.	Storm water devices (ponds, infiltration areas, etc.) required for the project (prorated to 50% of the costs required for the roadway work).
E.	Construction engineering related to inspection, supervision, and administration of the actual construction work.
F.	Street grading, base, pavement, curb & gutter, drainage structures, bridges, intersection channelization & turning lanes, 15-foot wide concrete outside curb lanes, 14-foot wide asphalt outside curb lane, and driveway aprons.
G.	Installation of main line storm sewer trunk lines & laterals, 12-inch diameter or greater. Storm sewer inlets, manholes, and catch basins necessary to accommodate street surface water drainage.
H.	In accordance with the Brown County Bicycle and Pedestrian Plan, Brown County will share the costs of the following: <ol style="list-style-type: none"> 1. Concrete sidewalk replacement or new sidewalk construction – the County will participate in the costs for one (1) side of the roadway for sidewalk up to 5' in width for a concrete sidewalk except for areas of Tribe utility cuts which are the responsibility of the Tribe. 2. Multi-use bicycle/pedestrian asphaltic path or on-street bike lanes - the County will participate in the costs for either one off-street multi-use bicycle/pedestrian path up to 10' in width or on-street bike lanes in accordance with FDM 11-46 Figure 15.1, but not both.
I.	Signing and pavement marking, including detour routes, installation of traffic signal conduit and traffic signals meeting signal warrants.
J.	Erosion control devices required per Wisconsin DNR standards.
K.	Retaining walls required for the Project.
L.	Roundabout intersections that meet traffic signal warrants including street lighting, standard WisDOT colored concrete, and signs.
M.	Landscaping including salvaged topsoil, seeding, fertilizing, and mulch.

Non-eligible Project Costs:
Work necessary to complete the Project to be financed entirely by the Tribe or other utility or facility owner includes the following items:
A. New installation of, or alteration of, sanitary sewers and connections, water, gas, electric, telephone, fire or police alarm facilities, parking meters, street lighting and similar utilities.
B. Traffic signals or roundabouts not meeting signal warrants, as specified by the Manual of Uniform Traffic Control Devices (MUTCD).
C. Concrete sidewalks or bicycle/pedestrian off-street trails not constructed as part of reconstruction or new construction projects.
D. Any allowed parking stalls.
E. Storm water devices (ponds, swales, etc.) not required for the project (regional storm water pond for example). The Tribe will own and maintain regional storm water devices, including if the device is partially used for the Project.
F. Trees, shrubs, and other landscaping along the roadway or at roundabouts after location approval by Brown County.
G. Decorative features (lighting, signs, railing, etc.) above standard baseline costs.

WIS 29/COUNTY VV Overview



ONEIDA LAW OFFICE**CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT**

TO: Maryjo Nash
Land Management Division-Administration

Use this number on future correspondence:

2019-1359

FROM: Krystal L. John, Staff Attorney

Krystal L. John Digitally signed by Krystal L. John
Date: 2019.12.06 13:01:54 -06'00'

DATE: December 6, 2019

RE: Brown County Public Works Department-Project
Agreement ID # VV-3

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 ¶ 4.1 which applies state law to the maintenance of county highways. If this contract is submitted to the Oneida Business Committee for approval of a limited waiver of sovereign immunity, the following information should be submitted along with the agenda review request and contract.
 1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity?
 2. Were three bids obtained? If not, why not?
 3. Was any other vendor willing to remove sovereign immunity issues?
 4. What is the cost of going to another vendor?
- ✓ Please note that Land Management will be requesting that the reference to “Tribe” throughout the document be replaced with “Nation.” In addition, please note the jurisdiction section 4.2 does not actually discuss dispute resolution or jurisdiction but rather eligible project costs, project additions, and naming rights for the county highway; the Nation may want to propose a new section header that accurately reflects the section content such as *Project Costs, Additions and Naming Rights*.

Brown County

PROJECT AGREEMENT

Project ID #: VV-3

Tribe: Oneida Nation

Highway: CTH TS
CTH VV – N. Overland

Construction Year: 2021-2022

Limits: Road

Length: 0.48 miles

1.0 GENERAL

The signatory, Oneida Nation (Tribe), through its undersigned duly authorized officers or officials, hereby requests the Brown County Public Works Department (County) to initiate and effect the proposed improvement (Project) hereinafter described.

2.0 PROJECT SUMMARY

1. Reason for Project (existing facility)

The existing STH 29 facility is a rural 4-lane divided highway with an at-grade intersection at STH 29/County VV. The County received a BUILD Grant to eliminate the at-grade intersection along STH 29 in Brown County.

2. Proposed Improvement (nature and scope of work)

The proposed project will eliminate the at-grade intersection at STH 29 and CTH VV in Brown County. The intersection of STH 29 and CTH VV will be replaced by a full-access interchange approximately 1,600 feet west of the existing intersection that will include sidewalks, striped on-street bicycle lanes, and roundabouts at the ramp terminals and nearby intersections.

The proposed interchange layout will eliminate the existing intersection of CTH VV and N. Overland Road. A 0.48 mile segment of new roadway (CTH TS) will be constructed to maintain direct access between CTH VV and N. Overland Road. Two storm water ponds will be constructed south of STH 29. The first pond will be located along CTH VV and the second pond will be located along the CTH TS. See Attachment 2: CTH TS Location Map for additional information.

CTH TS will pass through property owned by the Tribe. The right-of-way for the new roadway will be acquired by the Wisconsin Department of Transportation as a Limited Highway Easement (LHE). A Limited Highway Easement (LHE) is the acquisition of interest in property for highway purposes; therefore, the Oneida Nation will retain ownership of the property.

3.0 PROJECT FUNDING

There are no project funding costs associated with this agreement. The project will be funded by separate agencies under separate project agreements.

4.0 MAINTENANCE RESPONSIBILITIES, JURISDICTION, AND UTILITY ACCOMMODATIONS

4.1 Maintenance

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- Interim sidewalk repair
- Pavement marking associated with sidewalks (crosswalks)
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- Mowing behind the curb line (terrace area)
- Center median mowing (performed for aesthetic purposes)
- Snow and ice removal on sidewalks and/or bike paths
- Storm water devices (ponds, infiltration areas, etc. – anything other than a ditch)
 - Includes a storm water pond on CTH TS and a storm water pond on the south side of CTH VV between CTH TS and the STH 29 eastbound ramps.
- Trees, shrubs, and other landscaping within the right-of-way

Neither of these maintenance lists is intended to be ‘all inclusive’, but, rather to demonstrate measures and activities necessary to preserving a highway defined as that portion of the roadway open to the public as a matter of right for the purposes of vehicular travel, including the shoulder and/or curb and gutter.

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This request is made by the undersigned proper authority to make such request for the designated Tribe, and upon acceptance by the County, shall constitute agreement between the Tribe and the County.

FOR THE TRIBE:

Name & Title

Date

FOR THE COUNTY:

Paul Fontecchio, Director
Brown County Public Works Department

Date

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C. Wetland replacement mitigation.
D. Storm water devices (ponds, infiltration areas, etc.) required for the project (prorated to 50% of the costs required for the roadway work).
E. Construction engineering related to inspection, supervision, and administration of the actual construction work.
F. Street grading, base, pavement, curb & gutter, drainage structures, bridges, intersection channelization & turning lanes, 15-foot wide concrete outside curb lanes, 14-foot wide asphalt outside curb lane, and driveway aprons.
G. Installation of main line storm sewer trunk lines & laterals, 12-inch diameter or greater. Storm sewer inlets, manholes, and catch basins necessary to accommodate street surface water drainage.
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K. Retaining walls required for the Project.
L. Roundabout intersections that meet traffic signal warrants including street lighting, standard WisDOT colored concrete, and signs.
M. Landscaping including salvaged topsoil, seeding, fertilizing, and mulch.

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C. Concrete sidewalks or bicycle/pedestrian off-street trails not constructed as part of reconstruction or new construction projects.
D. Any allowed parking stalls.
E. Storm water devices (ponds, swales, etc.) not required for the project (regional storm water pond for example). The Tribe will own and maintain regional storm water devices, including if the device is partially used for the Project.
F. Trees, shrubs, and other landscaping along the roadway or at roundabouts after location approval by Brown County.
G. Decorative features (lighting, signs, railing, etc.) above standard baseline costs.

