



Oneida Business Committee

Emergency Meeting
9:00 AM Tuesday, March 17, 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.

NOTICE

All regular, special, and emergency Business Committee meetings in the months of March, April and May will be closed to the public. This is preventative measure as a result of the COVID-19 pandemic. Audio recordings are made of all meetings of the Business Committee. Video recordings are made of regular meetings of the Business Committee. All recordings are available on the Nation's website at: <https://oneida-nsn.gov/government/business-committee/recordings/>. If you have comments regarding open session items, please submit them to TribalSecretary@oneidanation.org no later than close of business the day prior to a Business Committee meeting. Comments will be noticed to the Business Committee.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. NEW BUSINESS

A. Actions related to the Nation's COVID-19 outbreak response Sponsor: Tehassi Hill, Chairman

1. **Adopt resolution in accordance with the Budget Contingency Plan**
Sponsor: Trish King, Treasurer
2. **Adopt resolution entitled Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election**
Sponsor: David P. Jordan, Councilman

3. **Adopt resolution entitled Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation**
Sponsor: David P. Jordan, Councilman
4. **Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends**
Sponsor: David P. Jordan, Councilman

V. 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

Actions related to the Nation's COVID-19 outbreak response

Business Committee Agenda Request

1. Meeting Date Requested: 03/16/20

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: stipend and law amendments

4. Budget Information:

☐ Budgeted ☐ Budgeted – Grant Funded ☐ Unbudgeted
☒ Not Applicable ☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Tehassi Hill, Chairman

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

A good mind. A good heart. A strong fire.



Business Committee Agenda Request – Cover Memo

From: Tehassi Hill, Chairman
Date: 3/16/2020
RE: Actions related to the Nation's COVID-19 outbreak response

PURPOSE

The Business Committee needs to take action on a variety of item related to the Nation's response to the COVID-19 outbreak

BACKGROUND

Needed actions have been identified for the following: Budget Contingency Plan, Election Law amendments, Boards Committees and Commissions law amendments, and Stipend resolution amendments. Please note - additional items may be identified as this is a quickly evolving situation.

REQUESTED ACTION

Review the materials provided and take action on a variety of item related to the Nation's response to the COVID-19 outbreak

Adopt resolution in accordance with the Budget Contingency Plan

Business Committee Agenda Request

1. Meeting Date Requested: 03/17/20

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: Reference Documents

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☐ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Trish King, Treasurer

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Adoption of Tier Budget Contingency Plan for the Remainder of Fiscal Year 2020 As A Result of Potential COVID-19 Pandemic Financial Impacts

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
2 recognized by the laws of the United States of America; and
3
- 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
5
- 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
8
- 9 **WHEREAS,** the United States has identified multiple cases of COVID-19 after learning of the
10 epidemic outbreak in Wuhan, China; and
11
- 12 **WHEREAS,** the President has created the White House Coronavirus Task Force to track the spread
13 of the virus, identify solutions for reducing the spread of the virus, managing scarce
14 resources, and identifying opportunities to improve testing, develop treatment and
15 immunizations, and identify how to inform about and contain epidemics in the future; and
16
- 17 **WHEREAS,** the U.S. Congress has adopted legislation which devotes \$8.3 billion to fund the fight
18 regarding COVID-19; and
19
- 20 **WHEREAS,** the World Health Organization has identified that the spread of COVID-19 is now a
21 pandemic with many countries experience the effects of illness and health issues related
22 to the virus and economic impacts; and
23
- 24 **WHEREAS,** the N.Y. Stock Exchange has experienced such turbulence in the markets that on March
25 9th and March 12th a 'circuit breaker' halt on trading was implemented closing trading for
26 a 15-minute period; and
27
- 28 **WHEREAS,** Governor Evers has announced that he has signed Executive Order # 72 which declares
29 a "Public Health Emergency in Response to the COVID-19 Coronavirus"; and
30
- 31 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of
32 Emergency" which sets into place the necessary authority should action need to be taken
33 and allowing the Oneida Nation to seek reimbursement of emergency management
34 actions that may result in unexpected expenses; and
35
- 36 **WHEREAS,** on March 13, 2020, there were 1,629 cases reported through the United States, and 18
37 cases of positive tests in Wisconsin; and
38
- 39 **WHEREAS,** the Treasurer, requested the Chief Financial Officer to review the current financial state
40 of the Oneida Nation, within the State of Wisconsin and the United States, to determine if
41 there were, or there was a potential of, negative financial impacts to the Oneida Nation
42 that would require action under the Budget Contingency Plan adopted by resolution #
43 BC-09-27-17-A; and

44
45 **WHEREAS,** the Chief Financial Officer has provided the initial recommendation, and the Treasurer
46 has supported, adoption of a Tier II budget reduction of 2% cost containments identified
47 as “immediate hiring freeze apart from health, regulatory, safety and essential revenue
48 generating positions, and non-essential travel that has not already been prior booked” to
49 “preserve resources for need-based service delivery programs and services to our elderly
50 and disabled populations”; and
51

52 **WHEREAS,** the Oneida Business Committee has met with the Treasurer and Chief Financial Officer,
53 the Gaming General Manager, Retail Manager, and Self-Governance Coordinator to
54 identify the status of the current financial resources, revenues and federal funding and
55 potential impacts to these funds which provide necessary services to our members; and
56

57 **WHEREAS,** the Oneida Business Committee, after being informed regarding the current financial
58 status and near-term future financial resources, has determined that implementation of
59 Tier budget reductions for the remainder of Fiscal Year 2020 to preserve funding for
60 necessary governmental services and activities, unless specifically superseded by
61 resolution of the Oneida Business Committee; and
62

63 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts the following Tier
64 budget reductions from the *Budget Contingency Plan* in accordance with section 121.4-3 of the *Budget*
65 *Management and Control Law* and as supported by the March 12, 2020, *Declaration of Public Health*
66 *State of Emergency*.
67

68 Insert cost containment directives as may be needed or the description of the Tier identified.

69 Tier I 1% - Delaying expenses, deferment

70 Tier II 2% - Cost containments

71 Tier III 3 % - Tribal Operations & OBC identify and preserve specific core services

72 Tier IV 4% - Tribal Operations & OBC identify and preserve specific core services

73 Tier V 5% - The OBC identify mandatory cuts across the Nation



Statement of Effect

Adoption of Tier [REDACTED] Budget Contingency Plan for the Remainder of Fiscal Year 2020 As A Result of Potential COVID-19 Pandemic Financial Impacts

Summary

This resolution adopts Tier [REDACTED] budget reductions from the *Budget Contingency Plan* in accordance with section 12104-3 of the Budget Management and Control law as supported by the March 12, 2020, *Declaration of Public Health State of Emergency*.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office
Date: March 16, 2020

Analysis by the Legislative Reference Office

The Budget Management and Control law (“the Law”) was adopted by the Oneida Business Committee to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation’s budget. [1 O.C. 121.1-1].

The Law requires the Oneida Business Committee to work with the Chief Financial Officer, executive managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could negatively impact the Nation. [1 O.C. 121.4-3]. The Oneida Business Committee is then required to approve the budget contingency plan by resolution. [1 O.C. 1214-3]. The Oneida Business Committee adopted the Nation’s Budget Contingency Plan through resolution BC-09-13-17-A.

The Oneida Business Committee then is responsible for the implementation of the budget contingency plan, provided that the Oneida Business Committee first makes a determination that the Nation is under extreme financial distress. [1 O.C. 1214-3]. Extreme financial distress includes, but is not limited to, natural or human made disasters, United States Government shutdown, Tribal shutdown, and economic downturns. [1 O.C. 1214-3].

The World Health Organization has identified that the spread of COVID-19 is now a pandemic with many countries experiencing the effects of illness and health issues related to COVID-19, as well as economic impacts. The N.Y. Stock Exchange has experienced such turbulence in the markets that on March 9, 2020, and March 12, 2020, a “circuit breaker” halt on trading was implemented closing trading for a fifteen (15) minute period.

In accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of

emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. Wisconsin Governor Evers also declared a public health emergency for the State.

A public health emergency means that the occurrence or imminent threat of an illness or health condition which is a quarantinable disease; and poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(o)].

The declaration of a public health emergency by the Nation and the potential financial impacts of the COVID-19 pandemic meet the Law's requirement that the Nation be under extreme financial distress for the budget contingency plan to be implemented.

This resolution then adopts the following Tier budget reductions from the Budget Contingency Plan resolution BC-09-13-17-A in accordance with section 121.4-3 of the Budget Management and Control law and as supported by the March 12, 2020, Declaration of Public Health State of Emergency.

Conclusion

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



The purpose of the Budget Contingency Plan is to establish a guideline and general approach to respond to financial distress and conditions that could negatively impact the Oneida Nation's fiscal health. The primary goals established in this plan will be the foundation and basis for budgetary decision-making. This plan includes a systematic response to financial distress, as opposed to reactionary decision-making that could have a long-term negative impact to the Nation.

PRIMARY GOALS

The primary goals of the Nation's Budget Contingency Plan are as follows:

- To protect the integrity and sovereignty of the Nation
- Preserve the Nation's solvency
- Maintain a balanced budget
- Preserve the Nation's core services, according to the Budget Management Control Act 121.5-3 (a)
- To ensure there is reliable communication

The Nation will strive to continue providing a balance of services within its financial ability. The plan will include the continued ability to achieve the Nation's mission to strengthen and protect our people, reclaim our land and enhance the environment by exercising our sovereignty. This will be achieved through fiscal responsibility, attentive planning, and continuous improvement.

IDENTIFIED TRIGGERS

The execution of the plan will be anticipated by the identified triggers that influence financial distress circumstances. These circumstances are defined in the Budget Management and Control Act 121.4-3 (c): Natural disasters, human-made disasters, United States government shutdown, Tribal shut down, and economic downturns.

- Natural Disasters
 - Tornadoes
 - Blizzards
 - Extreme weather conditions
 - Ice
 - Any environmental event having an impact on revenue generators
- Human-made Disasters
 - Computers
 - Software breaches
 - Hostage
 - Electricity

- Pandemic
 - Water supply becomes contaminated through man made or the land fill fails
- External government influences or changes in policy shift, for example taxation of Gaming
 - United States Government Shutdown
 - Grants – Tribal contribution is impacted
 - Discretionary spending
 - Repeal of Affordable Care Act, change in federal policy
- Tribal Shutdown
 - BC/GTC mandates
- Economic Downturns
 - Gross domestic product declines 3 consecutive quarters
 - Regional downturn
 - Sectors impacting gross domestic product

KEY FUNDAMENTALS

1. Utilize Permanent Executive Contingency Fund

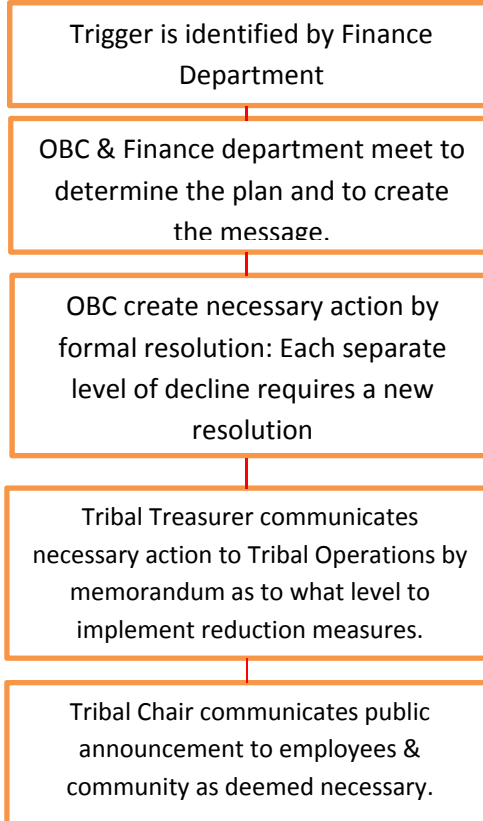
Objective: To assess the type of fiscal challenge. The type of challenge (temporary or permanent) will determine the strategy used based on the CFO's professional assessment

 - a. The type of financial distress will determine the level of utilization of the Permanent Executive Contingency Fund. The following purposes, and only to the extent that alternative funding sources are unavailable are:
 - i. Payments to notes payable to debt service, both principal and interest, and applicable service fees;
 - ii. (2) Employee payroll, including all applicable taxes;
 - iii. (3) Payments to vendors for gaming and retail;
 - iv. (4) Payments to vendors for governmental operations;
 - v. (5) Payments to any other debt; and
 - vi. (6) To sustain any of the Nation's other operations during implementation of the budget contingency plan.
2. Identify Budget Balancing Options
 - a. In the long-term, there are typically two basic budget balancing options:
 - i. Identify alternative funding resources
 - ii. Reduce expenditures
 - b. In the short-term, use of the Executive Permanent Contingency Fund is an option, but is not a long-term solution

3. Strategy – An agreement of the reviewed processes will be established between the Tribal Operations and the CFO's office. Tribal Operations are responsible for identifying expenditure reduction options that are:
 - i. Realistic and ongoing
 - ii. Reflect the least service impacts
 - iii. Maintain essential needs
4. Preparing Operating Expenditure Reduction Measures
 - a. Reduction measures will be based on priorities. The priorities have been identified as:
 - i. Safety
 - ii. Health
 - iii. Regulatory
5. Capital Improvement (CI) Plan Projects & Capital Expenditures (Cap Ex)
 - a. CI projects needed to maintain existing infrastructure will have a higher priority
 - b. Cap Ex identified as priority
 - c. IT & Technology projects identified as priority
6. Provide Ongoing Monitoring of the Nation's Fiscal Health
 - a. In effort to keep the lines of communication open for the employees and community, the Finance Office will provide ongoing reporting and monitoring on a quarterly basis or more frequently if the need arises
7. Employee Connection
 - a. Communication efforts shall be made with the employees and community
 - b. This approach is being used as Oneida Nation believes in treating employees with respect which means keeping the employees abreast about the Nation's plans that could potentially affect them

APPROVAL AND IMPLEMENTATION

The Oneida Business Committee approved this plan for implementation on September 13, 2017. The CFO's office will closely monitor this plan to ensure the Nation is achieving its goals. The Oneida Business Committee, with the advice from the CFO's office is responsible for preparing the recommended action plan whereas the O.B.C. shall create necessary action by formal resolution and each separate level of decline shall require a new resolution.

BUDGET REDUCTIONS COMMUNICATION PROCESS**Level of Decline****Definition of Reductions** (all actions are with the advisement of the CFO's office)

Tier I

1% - Delaying expenses, deferment

Tier II

2% - Cost containments

Tier III

3 % - Tribal Operations & OBC identify and preserve specific core services

Tier IV

4% - Tribal Operations & OBC identify and preserve specific core services

Tier V

5% - The OBC identify mandatory cuts across the Nation

**FINANCE ADMINISTRATION OFFICE
(920) 869-4325**

TO: Patricia King, Treasurer
CC: Oneida Business Committee
FR: Larry Barton, Chief Financial Officer
DT: March 12, 2020
RE: COVID-19 Financial Response

In accordance with the Budget Management Control Act (BMCA) and the Budget Contingency Plan the purpose of this communication is to invoke the Nation's Budget Contingency Plan. It is Finance's recommendation that the Nation invoke Tiers 1 and 2 of the Budget Contingency Plan to be proactive to the identified triggers of a pandemic.

Tier 2 is an implementation of a 2% cost containment threshold. Tier 1 is delaying expenses and deferment of expenses. Tier 2 shall include: an immediate hiring freeze apart from health, regulatory, safety and essential revenue generating positions; and non-essential travel that has not already been prior booked. These actions are necessary to preserve resources for need-based service delivery programs and services to our elderly and disabled populations.

The purpose of these recommendations is to protect the liquidity which includes payroll and to plan for contingent liability for the Nation's corporations; and or potential impacts to our Gaming operations. The scope of coverage for business interruption insurance does not provide coverage to pandemics and related claims.

Finance recommends that Tiers 3 and or 4 may be implemented dependent upon Gaming revenue flows. Tier 5 would be implemented should Gaming have to suspend operations. Thank you for your consideration in response to this critically important matter as it is now been deemed a State Emergency by Governor Evers.



A good mind. A good heart. A strong fire.

MEMORANDUM

TO: ONEIDA BUSINESS COMMITTEE

FR: LARRY BARTON, CFO

DT: March 16, 2020

RE: Financial Planning and Analysis RE: COVID-19 Response

Situation:

The current Pandemic has been defined and declared by multiple institutions including the World Health Organization (WHO) and the U.S. based Centers for Disease Control (CDC). A state of Emergency has further been declared by the State of Wisconsin and The U.S. Federal Government. The Covid-19 Pandemic has yet to peak and subside and the growth of diagnosed cases is indeterminant due to a lack of access to expedient testing.

Risk Identification:

1. The most pronounced financial risk faced by the community is the continuance of Gaming operations. Financial Risk combined with the nature of Health Risk especially to the at-risk population has created a profound social instability and circumstance.
2. Gaming clientele is at its' core, the at-risk population for detrimental effects for Corvid-19 as declared by the CDC. Continuation of Gaming operations is not certain, currently necessitating action to preserve liquidity.
3. Through Financial Planning and Analysis, should Gaming cease operations, liquidity levels including the Permanent Executive Contingency provides 4 to 5 weeks operational reserve liquidity. Upon depletion of identifiable reserves, Tier IV of the Budget Contingency Plan will be required for consideration if necessary.

4. Peak/testing: The occurrence of diagnosis has yet to peak according to the Medical Community Experts. Furthermore, widespread testing is now being accelerated.
5. Economic evidence indicates migration out of the Pandemic beyond Travel/Hospitality/Leisure industries to a wider impact. Consumer spending velocity abrupt decline. Small Businesses and front-line employees in the labor force are experiencing reduced income and heightened Lay-Offs. Recession probability has spiked to 40-50 percent probability. Q1 earnings forecasts are under revision in a wide array of industry sectors which will directly affect securities markets. Reported contraction of GDP for Q1 downward is anticipated.
6. Contingent liability to financially assist Tribal Corporations in the event of extended disruption to operations can compound existing financial distress.
7. Limited liquidity has been cited by Finance for many years as a real and identifiable dimension of risk that can result in few options after cash depletion.

Action:

1. Adopt the Budget Contingency Plan Tier III measures as outline in the 3-12-2020 Memo from the CFO responding to the Covid-19 Pandemic.

Swift decisive action in the time of crisis is recommended to preserve:

1. Core service delivery to the Community;
2. Act in a responsible transparent manner reflecting the protection of the Members, Employees, Customers and Stakeholders interest.

This Budget Contingency Plan was developed explicitly to serve as the process to address risk associated with circumstances such as a Pandemic. The active control of non-essential spending is fiscally responsible and warranted. GFOA and GASB cite responsible financial decision making at its core and taking action to control non-essential spending in time of crisis is the necessary and responsible action.

Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of Emergency Amendments to the Election Law to Implement...

1. Meeting Date Requested: 03 / 17 / 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:


Adopt the resolution titled, "Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election"

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
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 17, 2020
RE: Election Law Emergency Amendments

Please find the following attached backup documentation for your consideration of the Election Law Emergency Amendments:

1. Resolution: Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election
2. Statement of Effect: Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election
3. Election Law Emergency Amendments Legislative Analysis
4. Election Law (Redline)
5. Election Law (Clean)

Overview

Emergency amendments to the Election law (the “Law”) are being sought to address the impact of the coronavirus disease (COVID-19) pandemic on the Nation’s 2020 General Election. The emergency amendments to the Law will:

- Eliminate the caucus from the election process [1 O.C. 102.6-1];
- Require an individual to submit an application in order to have his or her name placed on a ballot for an election [1 O.C. 102.6-1];
- Eliminate the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot [1 O.C. 102.6-1];
- Require that all applications be submitted to the Business Committee Support Office by the close of business on April 3, 2020 [1 O.C. 102.6-1(c)]; and
- Reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3) [1 O.C. 102.10-2].

The world is currently facing a pandemic of COVID-19 after an outbreak began in Wuhan, China and quickly spread to many other countries throughout the world, including the United States. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported through the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin, as well as across the country, continue to increase. On March 12, 2020, in accordance with

Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

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 public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. The elimination of the requirement to hold the caucus while allowing individuals to be placed on the ballot through the submission of an application, in conjunction with the elimination to obtain at least ten (10) signatures from qualified voters, will eliminate any unnecessary contact between individuals which could spread the COVID-19, while also ensuring that the July 2020 General Election can occur without interruption.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of these amendments would be contrary to public interest. The caucus was scheduled to be held on March 14, 2020. The Law currently requires that the caucus occur at least ninety (90) days before a general election. The 2020 General Election is scheduled to be held on July 4, 2020. Therefore, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the 2020 General Election could occur uninterrupted without violating the caucus procedures currently contained in the Law.

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, or until the 2020 General Election has concluded, whichever is sooner. There will be one (1) opportunity to extend the emergency amendments for an additional six (6) months. [1 O.C. 109.9-5(b)].

Requested Action

Approve the Resolution: Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
 2 recognized by the laws of the United States of America; and
 3
 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
 5
 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
 7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
 8
 9 **WHEREAS,** the United States has identified multiple cases of COVID-19 after learning of the epidemic
 10 outbreak in Wuhan, China; and
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 12 **WHEREAS,** the President has created the White House Coronavirus Task Force to track the spread of
 13 the virus, identify solutions for reducing the spread of the virus, managing scarce
 14 resources, and identifying opportunities to improve testing, develop treatment and
 15 immunizations, and identify how to inform about and contain epidemics in the future; and
 16
 17 **WHEREAS,** the U.S. Congress has adopted legislation which devotes \$8.3 billion to fund the fight
 18 regarding COVID-19; and
 19
 20 **WHEREAS,** the World Health Organization has identified that the spread of COVID-19 is now a
 21 pandemic with many countries experience the effects of illness and health issues related
 22 to the virus and economic impacts; and
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 24 **WHEREAS,** Governor Evers has announced that he has signed Executive Order # 72 which declares
 25 a "Public Health Emergency in Response to the COVID-19 Coronavirus"; and
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 27 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of
 28 Emergency" which sets into place the necessary authority should action need to be taken
 29 and allowing the Oneida Nation to seek reimbursement of emergency management actions
 30 that may result in unexpected expenses; and
 31
 32 **WHEREAS,** on March 13, 2020, there were 1,629 cases reported through the United States, and 18
 33 cases of positive tests in Wisconsin; and
 34
 35 **WHEREAS,** the CDC has issued the following precautions to avoid further spread of the virus:
 36 ***Clean your hands often***
 37 • Wash your hands often with soap and water for at least 20 seconds especially after you have been
 38 in a public place, or after blowing your nose, coughing, or sneezing.
 39 • If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol.
 40 Cover all surfaces of your hands and rub them together until they feel dry.
 41 • Avoid touching your eyes, nose, and mouth with unwashed hands.
 42
 43 ***Avoid close contact***

**Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19
Pandemic Impacts on the Oneida Nation 2020 General Election Pandemic Financial Impacts**

Page 2 of 2

- Avoid close contact with people who are sick
- Put distance between yourself and other people if COVID-19 is spreading in your community. This is especially important for people who are at higher risk of getting very sick; and

WHEREAS, the Oneida Election Board, on March 13, 2020, after meeting with the Public Health Officer and acted to postpone the Caucus scheduled for the 2020 General Elections in order to avoid large gatherings of members where the virus could be easily spread; and

WHEREAS, the CDC has identified that the months of March, April and May should be the time when the potential for the highest increases in the number of confirmed cases would occur; and

WHEREAS, the Oneida Election Board has identified that conducting a caucus or requiring applicants to obtain 10 signatures through the petition process would unnecessarily spread the virus by encouraging contact between individuals, but has expressed a strong desire to avoid moving the actual election dates; and

WHEREAS, the Oneida Election Board is actively monitoring the public health crises and will notify membership as soon as possible should the election days be canceled, postponed or polling processes be amended to reduce the spread of the virus; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee adopts the emergency amendments outlined in the Election Law for six months from the date of adoption of this resolution, or until the 2020 General Election is concluded, which ever is sooner.



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



Statement of Effect

Adoption of Emergency Amendments to the Election Law to Implement Alternative Processes to Address COVID-19 Pandemic Impacts on the Oneida Nation 2020 General Election

Summary

This resolution adopts emergency amendments to the Election law which eliminate the caucus from the election process, instead requiring all individuals to apply to be placed on the ballot, while also eliminating the requirement of those who apply to obtain ten (10) signatures of qualified voters.

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

Date: March 15, 2020

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Election law (“the Law”). The purpose of the Law is to govern the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1]. The emergency amendments to the Law will:

- Eliminate the caucus from the election process [1 O.C. 102.6-1];
- Require an individual to submit an application in order to have his or her name placed on a ballot for an election [1 O.C. 102.6-1];
- Eliminate the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot [1 O.C. 102.6-1];
- Require that all applications be submitted to the Business Committee Support Office by the close of business on April 3, 2020 [1 O.C. 102.6-1(c)]; and
- Reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3) [1 O.C. 102.10-2].

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].

The resolution provides various information on the COVID-19 pandemic that the world is now facing. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported through the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin, as well as across the country, continue to increase.

On March 12, 2020, in accordance with Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding

COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

The resolution provides that the emergency amendments to this Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. The elimination of the requirement to hold the caucus while allowing individuals to be placed on the ballot through the submission of an application, in conjunction with the elimination to obtain at least ten (10) signatures from qualified voters, will eliminate any unnecessary contact between individuals which could spread the COVID-19, while also ensuring that the July 2020 General Election can occur without interruption.

Additionally, the resolution provides that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest. The caucus was scheduled to be held on March 14, 2020. The Law currently requires that the caucus occur at least ninety (90) days before a general election. The 2020 General Election is scheduled to be held on July 4, 2020. Therefore, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the 2020 General Election could occur uninterrupted without violating the caucus procedures currently contained in the Law.

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, or until the 2020 General Election concludes, whichever is sooner. The LPA provides the possibility to extend the emergency amendments for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

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



Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanláhsla
People of the Standing Stone how it is we will appoint them the kind of laws we have

EMERGENCY AMENDMENTS TO ELECTION LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> Eliminate the caucus from the election process; Require an individual to submit an application in order to have his or her name placed on a ballot for an election; Eliminate the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot; Require that all applications be submitted to the Business Committee Support Office by the close of business on April 3, 2020; Reduces the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots.
Purpose	To govern the procedures for the conduct of orderly elections of the Nation [1 O.C. 102.1-1]
Affected Entities	Oneida Election Board, Business Committee Support Office, Oneida Business Committee, Oneida Nation Judiciary, Oneida Gaming Commission, Legal Resource Center, Oneida Land Claims Commission, Oneida Land Commission, Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Trust Enrollment Committee.
Related Legislation	Boards, Committees, and Commissions law, Emergency Management and Homeland Security law.
Public Meeting	A public meeting is not required for emergency legislation [1 O.C. 109.8-1(b) and 109.9-5(a)].
Fiscal Impact	A fiscal impact statement is not required for emergency legislation [1 O.C. 109.9-5(a)].
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. Background. The Election law was first adopted on June 19, 1993, and most recently amended by the General Tribal Council on April 23, 2017. The Law governs the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1].

B. 2020 General Election. The Nation is required to hold a general election every three (3) years in the month of July. [Constitution and Bylaws of the Oneida Nation Article III, Section 5; 1 O.C. 102.9-1]. The caucus for the 2020 General Election was scheduled to be held on March 14, 2020, with the Primary Election to be held on May 16, 2020, and the General Election occurring on July 4, 2020. The 2020 General Election ballot would include the following positions:

- Oneida Business Committee;
 - One (1) vacancy – Chairperson, three (3) year term.
 - One (1) vacancy – Vice Chairperson, three (3) year term.

- 13 ▪ One (1) vacancy – Treasurer, three (3) year term.
- 14 ▪ One (1) vacancy – Secretary, three (3) year term.
- 15 ▪ Five (5) vacancies – Council Member, three (3) year term.
- 16 ▪ Oneida Election Board;
- 17 ▪ Three (3) vacancies – three (3) year term.
- 18 ▪ Oneida Gaming Commission;
- 19 ▪ One (1) vacancy – five (5) year term.
- 20 ▪ Legal Resource Center;
- 21 ▪ One (1) vacancy – Attorney, four (4) year term.
- 22 ▪ One (1) vacancy – Advocate, four (4) year term.
- 23 ▪ Oneida Land Claims Commission;
- 24 ▪ Two (2) vacancies – three (3) year term.
- 25 ▪ Oneida Land Commission;
- 26 ▪ Two (2) vacancies – three (3) year term.
- 27 ▪ Oneida Nation Commission on Aging;
- 28 ▪ Three (3) vacancies – three (3) year term.
- 29 ▪ Oneida Nation School Board;
- 30 ▪ Three (3) vacancies – Parent, three (3) year term.
- 31 ▪ Oneida Trust Enrollment Committee; and
- 32 ▪ Two (2) vacancies – three (3) year term.
- 33 ▪ Oneida Judiciary.
- 34 ▪ Court of Appeals:
- 35 ▪ One (1) vacancy – Appellate Court Chief Judge, six (6) year term.
- 36 ▪ One (1) vacancy – Appellate Court Judge, six (6) year term.
- 37 ▪ Trial Court:
- 38 ▪ One (1) vacancy – Trial Court Chief Judge, six (6) year term.
- 39 ▪ One (1) vacancy – Trial Court Judge, six (6) year term.

40 **C. COVID-19 Pandemic.** The world is currently facing a pandemic of the coronavirus disease 2019
 41 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other
 42 countries throughout the world, including the United States. The World Health Organization has
 43 identified that the spread of COVID-19 is now a pandemic resulting in many countries experiencing
 44 the effects of illness and health issues related to COVID-19 and economic impacts. As of March 13,
 45 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported through the
 46 United States, and eighteen (18) cases of positive tests in Wisconsin.

- 47 ▪ *Declarations of Emergency.*
- 48 ▪ Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” on
 49 March 12, 2020, regarding COVID-19 which sets into place the necessary authority should
 50 action need to be taken and allowing the Nation to seek reimbursement of emergency
 51 management actions that may result in unexpected expenses.
- 52 ▪ Governor Evers declared a public health emergency for the State of Wisconsin on March
 53 12, 2020, based on COVID-19 cases in Wisconsin.
- 54 ▪ President Trump declared a national emergency for the United States over the COVID-19
 55 outbreak on March 13, 2020.

- *Center of Disease Control Precautions.* The Center of Disease Control has identified that March, April, and May should be the time when the potential for the highest increases in the number of confirmed cases would occur, and issued the following precautions to avoid further spread of COVID-19:

- Clean your hand often.
 - Wash your hands often with soap and water for at least twenty (20) seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
 - If soap and water are not readily available, use a hand sanitizer that contains at least sixty percent (60%) alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
 - Avoid touching your eyes, nose, and mouth with unwashed hands.
 - Avoid close contact.
 - Avoid close contact with people who are sick
 - Put distance between yourself and other people if COVID-19 is spreading in your community. This is especially important for people who are at higher risk of getting very sick.
- D. On March 13, 2020, after meeting with the Public Health Officer, the Oneida Election Board acted to postpone the Caucus scheduled for the 2020 General Elections in order to avoid large gatherings of members where the COVID-19 could be easily spread. The Oneida Election Board has identified that conducting a caucus or requiring applicants to obtain ten (10) signatures through the petition process would unnecessarily spread COVID-19 by encouraging contact between individuals, but has expressed a strong desire to avoid moving the actual election dates. In an effort to maintain the July 2020 General Election date, emergency amendments to the Law are being sought to eliminate the caucus from the election process, instead requiring all individuals to apply to be placed on the ballot, while also eliminating the requirement of those who apply to obtain ten (10) signatures of qualified voters.

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; and
 - Oneida Election Board.
- B. The following laws were reviewed in the drafting of this analysis:
- Oneida Nation Constitution and Bylaws.

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].
- Emergency amendments are being pursued for the immediate preservation of the public health, safety, and general welfare of the Reservation population against the public health crisis that is the COVID-19 pandemic. Chairman Tehassi Hill declared a public health state of emergency for the Nation on March 12, 2020.

- 100 ▪ Observance of the requirements under the Legislative Procedures Act for the adoption of these
101 amendments would be contrary to public interest. The caucus was scheduled to be held on March
102 14, 2020, and must occur at least ninety (90) days before the General Election, which is scheduled
103 to be held on July 4, 2020. Therefore, the process and requirements of the Legislative Procedures
104 Act cannot be completed in time to ensure that the General Election could still occur on July 4,
105 2020, without violating the caucus procedures contained in the Law.
- 106 B. Emergency amendments typically expire six (6) months after adoption, with one (1) opportunity for a
107 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)]. The resolution for these
108 emergency amendments provides that the amendment will expire in six (6) months or until the 2020
109 General Election is concluded, whichever is sooner.
- 110 C. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
111 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact
112 statement will eventually be required when considering permanent adoption of these amendments.
- 113 C. The Legislative Operating Committee added these emergency amendments to the Active Files List on
114 March 16, 2020.

115 116 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 117 A. ***Elimination of the Caucus.*** The proposed amendments eliminate the caucus from the election process.
118 Previously, the Law required that the Election Board call a caucus at least ninety (90) days before a
119 general election was held, or forty-five (45) days before any other election. [GTC-04-23-17-A - 1 O.C.
120 102.6-1]. At the caucus individuals could nominate potential candidates on the floor, and those potential
121 candidates that were present during the caucus would then accept or decline the nomination. [GTC-04-
122 23-17-A - 1 O.C. 102.6-2]. If an individual was nominated during the caucus but not present to accept
123 the nomination, that individual could follow the petition process to get his or her name on the ballot.
124 Now, with the elimination of the caucus from the election process, an individual who is interested in
125 having his or her name on the ballot has to apply to be on the ballot by submitting the designated
126 application form to the Business Committee Support Office. [1 O.C. 102.6-1].
- 127 ▪ ***Effect.*** The proposed emergency amendment would allow for the 2020 General Election to occur
128 as scheduled. The elimination of the requirement to hold the caucus while allowing individuals to
129 be placed on the ballot through the submission of an application will eliminate any unnecessary
130 contact between individuals which could spread the COVID-19, while also ensuring that the July
131 2020 General Election can occur without interruption.
- 132 B. ***Application to be Placed on the Ballot.*** The proposed amendments require that an individual submit
133 an application in order to be placed on the ballot. [1 O.C. 102.6-1]. The application form consists of
134 information that satisfies the minimum requirements for eligible candidates as described in section
135 102.5-2 of the Law and is required to be submitted to the Business Committee Support Office by April
136 3, 2020. [1 O.C. 102.6-1(b)-(c)]. Previously, if an individual was not present at the caucus to accept a
137 nomination, or was not nominated at the caucus, the individual could file a petition to have his or her
138 name placed on the ballot. [GTC-04-23-17-A - 1 O.C. 102.6-3]. The petitioner was required to submit
139 the petition form along with no less than ten (10) signatures of qualified voters, which would be verified
140 by the Oneida Trust Enrollment Department, prior to the close of business at least five (5) business
141 days after the caucus. [GTC-04-23-17-A - 1 O.C. 102.6-3].
- 142 ▪ ***Effect.*** The proposed amendment makes the application process the sole way for an individual to
143 have his or her name placed on the ballot for an election. The requirement to obtain at least ten (10)

signatures of qualified voters was eliminated in an effort to eliminate any unnecessary contact between individuals which could spread COVID-19. Because the requirement to obtain signatures was eliminated from the Law, so was the requirement that the Oneida Trust Enrollment Department verify the signatures. Since there is no caucus, the deadline to submit an application to be placed on the ballot was revised from five (5) days after the caucus to April 3, 2020. The combinations of these changes along with the elimination of the caucus should ensure that the 2020 General Election can occur in July as scheduled while still protecting the health and safety of the people of the Nation.

- C. ***Election Board Members Signature on Machine Counted Ballots.*** The proposed amendments lower the number of Oneida Election Board members that are required sign the election totals, which includes the tape signed by the members of the Nation before the polls were opened, from six (6) to three (3).
- ***Effect.*** Requiring less Oneida Election Board members to be present at the polling place to sign the election totals help reduce unnecessary contact between individuals which could spread COVID-19.

SECTION 6. EXISTING LEGISLATION

- A. ***Related Legislation.*** The following laws of the Nation are related to the emergency amendments to this Law:

- ***Boards, Committees, and Commissions law.*** The Boards, Committees, and Commission 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. [1 O.C. 105.1-1].
 - The Boards, Committees, and Commissions law provides that 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. [1 O.C. 105.8-1].
 - The emergency amendments will eliminate the caucus from the election process, leaving application for ballot placement as the only method to be elected to an entity, except where an entity's bylaws allow for a vacancy to be filled by appointment.
- ***Emergency Management and Homeland Security law.*** The Emergency Management and Homeland Security law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; and provides for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; and establishes the use of the National Incident Management System; and designates authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].
 - The Emergency Management and Homeland Security law provides that the Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of an emergency. [3 O.C. 302.8-1]. A public health emergency is defined as the occurrence or imminent threat of an illness or health condition which:
 - (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a biological agent; and
 - (2) poses a high probability of any of the following:

(A) a large number of deaths or serious or long-term disability among humans; or
(B) widespread exposure to a biological, chemical, or radiological agent that
creates a significant risk of substantial future harm to a large number of people.
[3 O.C. 302.3-1(o)].

- Chairman Tehassi Hill's March 12, 2020, "Declaration of Public Health State of
Emergency" conform with the requirements of the Emergency Management and Homeland
Security law.

SECTION 7. OTHER CONSIDERATIONS

- A. *Deadline for Permanent Adoption of Amendments.*** The emergency amendments will expire six (6) months after adoption or until the 2020 General Election is concluded, whichever is sooner. The emergency amendments may be renewed for an additional six (6) month period.
- *Conclusion:* The Legislative Operating Committee will need to consider the development and adoption of permanent amendments to this Law within the next six (6) to twelve (12) months.
- B. *Consideration of Additional Amendments.*** The Oneida Election Board will be actively monitoring the public health crises and will notify the membership of the Nation as soon as possible should the 2020 General Election day be canceled or postponed, or if the polling processes need to be amended to reduce the spread of COVID-19.
- *Conclusion:* The Legislative Operating Committee may have to consider additional amendments to this Law if the 2020 General Election timeframe or procedure will be further impacted by the COVID-19 health crisis.
- C. *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 102**ELECTION****Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsia***People of the Standing Stone how it is we will appoint them the kind of laws we have***ELECTION**

102.1. Purpose and Policy

102.2. Adoption, Amendment, Repeal

102.3. Definitions

102.4. Election Board

102.5. Candidate Eligibility

102.6. Selection of Candidates

102.7. Notice of Polling Places

102.8. Registration of Voters

102.9. Election Process

102.10. Tabulating and Securing Ballots

102.11. Election Outcome and Ties

102.12. Elections

102.13. Oneida Nation Constitution and By-law Amendments

102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities ~~such as caucuses and nominations.~~ Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C ~~and~~ GTC-04-23-17-A ~~, and~~ emergency amended by BC- - - -.

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. 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.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

102.3. Definitions

102.3-1. 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.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising,

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37 rallying, public speaking, or other communications with members of the Nation.

38 102.3-6. "Candidate" shall mean ~~a petitioner or nominee~~ an applicant for an elected position whose
39 name is placed on the ballot by the Election Board after successful application.

40 102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose
41 of determining voter eligibility.

42 102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

43 102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political
44 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,
45 member of any board, committee or commission, or their immediate relatives, friends or
46 associates, or any other person with whom they have contact, that conflicts with any right of the
47 Nation to property, information, or any other right to own and operate its enterprises, free from
48 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in
49 any law or policy of the Nation.

50 102.3-10. "Election" shall mean every primary and election.

51 102.3-11. "General election" shall mean the election held every three (3) years in July to elect the
52 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
53 Business Committee and may include contests for elected boards, committees and commissions
54 positions.

55 102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of
56 discrepancies, complaints and controversy regarding voter eligibility.

57 102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal
58 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
59 the Nation.

60 102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the
61 winner of an elected position, in the case of a tie between two (2) or more candidates.

62 102.3-15. "Nation" means the Oneida Nation.

63 102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by
64 the Nation for the benefit of transmitting news to members of the Nation, which is designated by
65 the Election Board as a source for election related news.

66 102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a
67 police officer on any police force.

68 102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential
69 dwelling or a privately owned business within the boundaries of the Reservation.

70 102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill
71 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
72 Community Health Center, the SEOTS building and all One-Stop locations.

73 102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)
74 years of age or older.

75 102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating
76 machine.

77 102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred
78 and is not tabulated.

79 102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

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102.4. Election Board*Section A. Establishment, Composition and Election*

102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be elected to terms of three (3) years, not to exceed two (2) consecutive terms.

102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an Election Board member in any pre-election, election day, or post-election activities while he or she is a ~~petitioner~~, an applicant or candidate in any election or there is otherwise a conflict of interest.

102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed from the Election Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Election Board.

102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the By-laws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and Secretary.

Section B. Duties of the Election Board

102.4-9. The Election Board shall have the following duties, along with other responsibilities listed throughout this law.

- (a) The Election Board shall be in charge of all registration and election procedures; and
- (b) Upon completion of an election, the Election Board shall make a final report on the election results as set out in this law.

Section C. Specific Duties of Officers and Election Board Members

102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to being present at all Election Board meetings and assisting the handicapped through the voting process, are as set out herein:

(a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing body for applicants found to be ineligible in accordance with 102.5-6 in the event of an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete; and shall post and report election results.

(b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

(c) Secretary: Shall keep a record of the meetings and make them available to the Nation's Secretary, other Election Board members and the public as required in the Open Records and Open Meetings Law.

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(d) Clerks: Shall implement the requirements of identifying and registering all voters and determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Trust Enrollment Department.

(e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as determined by this law. Shall assist the Chairperson in conducting the election.

(f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between members of the Nation and Election Board members, or any controversy regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility may be in question, remain confidential.

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee. The Election Board shall have a budget, approved through the Nation's budgeting process.

102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility*Section A. Requirements*

102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws or other documents, all applicants shall meet the minimum requirements set out in this section in order to become a candidate.

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

(a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

(b) be a qualified voter on the day of the election.

(c) provide proof of physical residency as required for the position for which they have ~~been nominated or for which they have petitioned~~ applied. Proof of residency may be through one (1) or more of the following:

(1) a valid Wisconsin driver's license;

(2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;

(3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. 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.

102.5-4. Applications ~~and petitions where the applicant was not nominated during caucus~~ shall be filed by presenting the information to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, ~~within five (5) business days after the caucus by April 3, 2020~~. No mailed, internal Nation mail delivery, faxed or other delivery method

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shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's designated agent.

Section B. Eligibility Review

102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal. At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall select the hearing body. The hearing shall be held within two (2) business days of receipt of the appeal. The applicant shall be notified by phone of time and place of the hearing. The decision of the hearing body shall be sent via certified mail or hand delivery within two (2) business days of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the Judiciary on an accelerated schedule.

102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a ~~nominated or petitioned for~~ position shall be notified by certified mail return receipt requested. The notice shall provide the following information:

- (a) Position for which they were considered
- (b) Qualification of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

102.5-8. Contributions:

- (a) Solicitation of Contributions by Candidates.

(1) Candidates shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate. Candidates may not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.

(2) Candidates shall not solicit or accept contributions in any office or business/facility of the Nation.

- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

102.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:

(1) Campaign signs shall not be posted or erected on any property of the Nation except for private property with the owner/tenant's permission.

(2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.

(3) No campaign sign shall project beyond the property line into the public right of way.

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(b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.

(c) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours. The Nation's employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.

(d) Enforcement. The Zoning Administrator shall cause to be removed any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.

(e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the candidate prior to submission of the ballot for printing to any Election Board member, excluding alternates.

102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the election by submitting in writing a statement indicating they are withdrawing from the election prior to the opening of the polls to any Election Board member, excluding alternates. This statement shall be posted alongside any sample ballot printed prior to the election in the newspaper or any posting at the polling places.

102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the Election Board members in charge of the polling place, to be removed from the ballot. The written statement shall be posted next to any posted sample ballot.

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. Candidate Withdrawal After Winning an Election.

(a) In the event a candidate declines an office after winning an election, the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

2.6. Selection of Candidates*~~Section A. Setting of Caucus~~*

~~102.6-1. The Election Board shall be responsible for calling a caucus before any election is held. The caucus for the general election shall be held at least ninety (90) calendar days prior to the election date. Caucuses for other elections shall be held at least forty five (45) calendar days prior to the election date. In a general election year, caucuses shall be combined so that candidates for the Business Committee and elected boards, committees and commissions are nominated at the same caucus.~~

~~102.6-2. The procedures for the caucus shall be as follows:~~

~~(a) Candidates shall be nominated from the floor.~~

~~(b) Candidates present at the caucus will accept/decline their nomination at the caucus.~~

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~~Candidates nominated at the caucus, but not present to accept the nomination, shall be required to follow the petition process.~~

~~(e) Nominations shall consist of the following positions: Chairperson, Vice Chairperson, Treasurer, Secretary, Council Member and other elected positions as required by by laws or creating documents of a board, committee, or commission.~~

Section B. Petition

~~102.6-3.~~ Any eligible member of the Nation may petitionapply to be placed on a ballot according to the following procedures:

~~(a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's original signatures; photocopies shall not be accepted.~~

~~(b) Petitioners~~(a) Applicants shall use an official petition form as designated by this law which may be obtained in the Office of the Nation's Secretary ~~or from the mailing for that caucus.~~

~~(e)~~ The petition form shall consist of ~~each endorsee's~~:

~~(1) printed name and address;~~

~~(2) date of birth;~~

~~(3) Oneida Nation Enrollment Number; and~~

~~(4) signature.~~

~~(d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under information that satisfies the minimum requirements for eligible candidates, as described in section 102.5-2 of this law.~~

~~(e) Petitions~~(c) Applications shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business ~~five (5) business days after the caucus on April 3, 2020.~~ The location to drop-off petitionsapplications shall be ~~identified in the mailing identifying the caucus date~~the Business Committee Support Office.

~~(f)~~ The Nation's Secretary shall forward all petitionsapplications to the Election Board Chairperson the next business day following the close of petition submissions.

~~(g) The Election Board shall have the Trust Enrollment Department verify all signatures contained on the petition.~~

~~102.6-42.~~ A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior

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to the requested mailing.

102.7-4. Notice of the election shall be placed in the Nation's newspaper.

102.8. Registration of Voters

Section A. Requirements

102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Nation Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Oneida Nation I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election Officials during the voting period.

102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Trust Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation Constitution, Article III Section 2, to vote in the Nation's elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

102.9. Election Process

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Section A. Polling Places and Times

102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 102.12-6.

102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to vote at 7:00 p.m. shall be allowed to vote.

(a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four

(4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

102.9-7. No one causing a disturbance shall be allowed in the voting area.

102.9-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

Section D. Rejected Ballots

102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the

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ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

102.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

102.10-2. At least ~~six (6)~~three (3) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

102.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

102.10-7. The Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retaining.

102.11. Election Outcome and Ties

Section A. Election Results Announcement

102.11-1. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

"The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer"

102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's newspaper, the tentative results of an election.

Section B. Tie

102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of

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the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

102.11-4. For Business Committee positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount. For all other positions, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing, which shall be open to the public.

(a) The Election Board shall notify each of the tied candidates and the public of the date, time, and place of the drawing at least one (1) business day before the drawing. Notice to the tied candidates shall be in writing. Notice to the public shall be posted by the Election Board in the prominent locations.

(b) On the date and at the time and place the drawing was noticed, the Election Board Chairperson shall clearly write the name of each tied candidate on separate pieces of paper in front of any witnesses present. The pieces of paper shall be the same, or approximately the same, color, size, and type. The papers shall be folded in half and placed in a container selected by the Election Board Chairperson.

(c) The Election Board Chairperson shall designate an uninterested party to draw a name from the container. The candidate whose name is drawn from the container first shall be declared the winner. An Election Board member other than the Chairperson shall remove the remaining pieces of paper from the container and show them to the witnesses present.

Section C. Recount Procedures

102.11-5. A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was within two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is greater. A candidate requests a recount by hand delivering a written request to the office of the Nation's Secretary, or noticed designated agent, within five (5) business days after the election. Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the request regarding the results of the recount. Provided that, no recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

102.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be

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counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

(a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be counted twice by different persons and certified by the Judges.

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

(b) If the Judiciary invalidates the election results, a Special Election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as the Election Law allows for a Special Election.

102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

(c) List of any ties and final results of those ties, including the method of resolution.

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

(f) Cost of the election, including the compensation paid to each Election Board member.

102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

102.11-14. Candidates elected to the Business Committee shall resign from any salaried position effective prior to taking a Business Committee oath of office

102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

(a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

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102.11-16. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.12. Elections*Section A. Primary Elections; Business Committee*

102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.

102.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

(a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.

(b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.

(c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.

102.12-3. The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary ~~by the petitioning deadline set for the primary.~~

102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to print a notice in the Nation's newspaper if time lines allow.

Section B. Special Elections

102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as defined in this law, may be placed on the same ballot as the subject matter of an election.

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the Special Election.

102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided that no less than twenty-four (24) hours notice of the rescheduled election date is given to the voters, by posting notices in the prominent locations.

Section C. Referendums

102.12-9. Registered voters may indicate opinions on any development, law or resolution, proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special referendum election.

(a) Referendum elections in which a majority of the qualified voters who cast votes shall

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be binding on the Business Committee to present the issue for action/decision at General Tribal Council.

(b) Referendum requests may appear on the next called for election.

(c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the caucus prior to election, regarding issues directly affecting the Nation or general membership.

Section D. Initiation of Special Elections

102.12-10. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-11. Special Election may be requested by a member of the Nation to the Business Committee or General Tribal Council.

102.12-12. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

102.13. Oneida Nation Constitution and By-law Amendments

102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition of qualified voters. The requirements for the Oneida Business Committee's initiation of Constitutional amendments are as provided in the Constitution and as further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt. Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting a petition to the Office of the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

(b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall direct the Trust Enrollment Department to calculate the number of signatures currently required for a petition submittal, which shall be ten percent (10%) of all members qualified to vote on the date the petition form is requested from the Office of the Nation's Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment Department, the Nation's Secretary shall provide the requester with the petition form and the number of signatures that are currently required.

(c) Such petitions shall be circulated with all supporting materials and submitted a minimum of ninety (90) days prior to the election at which the proposed amendment is to be voted upon. If a petition includes supporting materials in addition to the petition form, each qualified voter signing the petition shall also acknowledge that the supporting materials were available for review at the time he or she signed the petition by initialing where required on the petition form.

(d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment Department for verification of signatures and to the Election Board to provide notice that the petition may need to be placed on an upcoming ballot.

(e) If the petition is verified by the Trust Enrollment Department to contain signatures from at least ten percent (10%) of all qualified voters, the Election Board shall make an official announcement of the proposed amendments to the Oneida Nation Constitution at least sixty

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(60) days prior to the election at which the proposed amendments are to be voted on.

102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the next special election.

102.13-3. The Election Board shall publish any proposed amendments by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place and at administrative offices of the Nation and shall also be published in official Oneida media outlets, which the Oneida Business Committee shall identify by resolution. For the purposes of this section, Oneida administrative offices means the location where the Oneida Business Committee conducts business.

102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission of the final election report.

102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

Amended- October 11, 2008 (General Tribal Council Meeting)

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Emergency Amended – BC- - - -

Title 1. Government and Finances - Chapter 102**Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanláhsla***People of the Standing Stone how it is we will appoint them the kind of laws we have***ELECTION**

102.1. Purpose and Policy
 102.2. Adoption, Amendment, Repeal
 102.3. Definitions
 102.4. Election Board
 102.5. Candidate Eligibility
 102.6. Selection of Candidates
 102.7. Notice of Polling Places

102.8. Registration of Voters
 102.9. Election Process
 102.10. Tabulating and Securing Ballots
 102.11. Election Outcome and Ties
 102.12. Elections
 102.13. Oneida Nation Constitution and By-law Amendments

102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A and amended by resolutions GTC-01-04-10-A, BC-02-25-15-C, GTC-04-23-17-A, and emergency amended by BC-__-__-__-__.

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. 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.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

102.3. Definitions

102.3-1. 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.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

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102.3-6. "Candidate" shall mean an applicant for an elected position whose name is placed on the ballot by the Election Board after successful application.

102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose of determining voter eligibility.

102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or otherwise, in which a Nation elected official, employee, consultant, appointed or elected, member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, that conflicts with any right of the Nation to property, information, or any other right to own and operate its enterprises, free from undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in any law or policy of the Nation.

102.3-10. "Election" shall mean every primary and election.

102.3-11. "General election" shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Business Committee and may include contests for elected boards, committees and commissions positions.

102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the winner of an elected position, in the case of a tie between two (2) or more candidates.

102.3-15. "Nation" means the Oneida Nation.

102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the Nation for the benefit of transmitting news to members of the Nation, which is designated by the Election Board as a source for election related news.

102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a police officer on any police force.

102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential dwelling or a privately owned business within the boundaries of the Reservation.

102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations.

102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18) years of age or older.

102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating machine.

102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

102.4. Election Board

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Section A. Establishment, Composition and Election

102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be elected to terms of three (3) years, not to exceed two (2) consecutive terms.

102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an Election Board member in any pre-election, election day, or post-election activities while he or she is an applicant or candidate in any election or there is otherwise a conflict of interest.

102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed from the Election Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Election Board.

102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the By-laws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and Secretary.

Section B. Duties of the Election Board

102.4-9. The Election Board shall have the following duties, along with other responsibilities listed throughout this law.

- (a) The Election Board shall be in charge of all registration and election procedures; and
- (b) Upon completion of an election, the Election Board shall make a final report on the election results as set out in this law.

Section C. Specific Duties of Officers and Election Board Members

102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to being present at all Election Board meetings and assisting the handicapped through the voting process, are as set out herein:

- (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing body for applicants found to be ineligible in accordance with 102.5-6 in the event of an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust Enrollment Department personnel when their election day duties are complete; and shall post and report election results.
- (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.
- (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's Secretary, other Election Board members and the public as required in the Open Records and Open Meetings Law.
- (d) Clerks: Shall implement the requirements of identifying and registering all voters and determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Trust Enrollment Department.

(e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as determined by this law. Shall assist the Chairperson in conducting the election.

(f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between members of the Nation and Election Board members, or any controversy regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility may be in question, remain confidential.

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee. The Election Board shall have a budget, approved through the Nation's budgeting process.

102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility*Section A. Requirements*

102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws or other documents, all applicants shall meet the minimum requirements set out in this section in order to become a candidate.

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

(a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

(b) be a qualified voter on the day of the election.

(c) provide proof of physical residency as required for the position for which they have applied. Proof of residency may be through one (1) or more of the following:

(1) a valid Wisconsin driver's license;

(2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;

(3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. 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 election.

102.5-4. Applications shall be filed by presenting the information to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, by April 3, 2020. No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's designated agent.

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Section B. Eligibility Review

102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal. At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall select the hearing body. The hearing shall be held within two (2) business days of receipt of the appeal. The applicant shall be notified by phone of time and place of the hearing. The decision of the hearing body shall be sent via certified mail or hand delivery within two (2) business days of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the Judiciary on an accelerated schedule.

102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a position shall be notified by certified mail return receipt requested. The notice shall provide the following information:

- (a) Position for which they were considered
- (b) Qualification of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

102.5-8. Contributions:

- (a) Solicitation of Contributions by Candidates.
 - (1) Candidates shall only accept contributions from individuals who are members of the Nation or individuals related by blood or marriage to the candidate. Candidates may not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.
 - (2) Candidates shall not solicit or accept contributions in any office or business/facility of the Nation.
- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

102.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:
 - (1) Campaign signs shall not be posted or erected on any property of the Nation except for private property with the owner/tenant's permission.
 - (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.
 - (3) No campaign sign shall project beyond the property line into the public right of way.
- (b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.
- (c) Employees of the Nation shall not engage in campaigning for offices of the Nation during work hours. The Nation's employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.
- (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign

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signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.

(e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the candidate prior to submission of the ballot for printing to any Election Board member, excluding alternates.

102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the election by submitting in writing a statement indicating they are withdrawing from the election prior to the opening of the polls to any Election Board member, excluding alternates. This statement shall be posted alongside any sample ballot printed prior to the election in the newspaper or any posting at the polling places.

102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the Election Board members in charge of the polling place, to be removed from the ballot. The written statement shall be posted next to any posted sample ballot.

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. Candidate Withdrawal After Winning an Election.

(a) In the event a candidate declines an office after winning an election, the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

2.6. Selection of Candidates

102.6-1. Any eligible member of the Nation may apply to be placed on a ballot according to the following procedures:

(a) Applicants shall use an official form as designated by this law which may be obtained in the Office of the Nation's Secretary.

(b) The form shall consist of information that satisfies the minimum requirements for eligible candidates, as described in section 102.5-2 of this law.

(c) Applications shall be presented to the Nation's Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business on April 3, 2020. The location to drop-off applications shall be the Business Committee Support Office.

(d) The Nation's Secretary shall forward all applications to the Election Board Chairperson the next business day following the close of submissions.

102.6-2. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

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102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of the Nation's businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Nation's newspaper.

102.8. Registration of Voters*Section A. Requirements*

102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Nation Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Oneida Nation I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election Officials during the voting period.

102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Trust Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation Constitution, Article III Section 2, to vote in the Nation's elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be

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placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

102.9. Election Process*Section A. Polling Places and Times*

102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 102.12-6.

102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to vote at 7:00 p.m. shall be allowed to vote.

(a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four (4) members of the Nation verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

102.9-7. No one causing a disturbance shall be allowed in the voting area.

102.9-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

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Section D. Rejected Ballots

102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

102.10. Tabulating and Securing Ballots*Section A. Machine Counted Ballots*

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

102.10-2. At least three (3) Election Board members shall sign the election totals, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

102.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

102.10-7. The Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retaining.

102.11. Election Outcome and Ties*Section A. Election Results Announcement*

102.11-1. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

"The election results posted here are tentative results. Final election results are forwarded

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398 *by the Oneida Election Board to the Oneida Business Committee via a Final Report after*
399 *time has lapsed for recount requests, or challenges or after all recounts or challenges*
400 *have been completed, whichever is longer”*

401 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation’s
402 newspaper, the tentative results of an election.

403
404 *Section B. Tie*

405 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
406 determine the outcome of an election, the Election Board shall conduct an automatic recount of
407 the votes for each candidate receiving the same number of votes. Any recount conducted shall be
408 the only recount allowed for the tied candidates.

409 102.11-4. For Business Committee positions, a run-off election between the candidates with the
410 same number of votes shall be held if there remains a tie after the recount. Said run-off election
411 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
412 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions
413 at least two (2) business days after, but no more than five (5) business days after the recount
414 through a lot drawing, which shall be open to the public.

415 (a) The Election Board shall notify each of the tied candidates and the public of the date,
416 time, and place of the drawing at least one (1) business day before the drawing. Notice to
417 the tied candidates shall be in writing. Notice to the public shall be posted by the Election
418 Board in the prominent locations.

419 (b) On the date and at the time and place the drawing was noticed, the Election Board
420 Chairperson shall clearly write the name of each tied candidate on separate pieces of paper
421 in front of any witnesses present. The pieces of paper shall be the same, or approximately
422 the same, color, size, and type. The papers shall be folded in half and placed in a container
423 selected by the Election Board Chairperson.

424 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
425 from the container. The candidate whose name is drawn from the container first shall be
426 declared the winner. An Election Board member other than the Chairperson shall remove
427 the remaining pieces of paper from the container and show them to the witnesses present.

428
429 *Section C. Recount Procedures*

430 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin
431 between the requesting candidate’s vote total and vote total for the unofficial winner was within
432 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
433 greater. A candidate requests a recount by hand delivering a written request to the office of the
434 Nation’s Secretary, or noticed designated agent, within five (5) business days after the election.
435 Requests shall be limited to one (1) request per candidate. The Nation’s Secretary shall contact
436 the Election Board Chairperson by the next business day after the request for recounts.

437 102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
438 request regarding the results of the recount. Provided that, no recount request need be honored
439 where there have been two (2) recounts completed as a result of a request either as a recount of the
440 whole election results, or of that sub-section.

441 102.11-7. All recounts shall be conducted manually with, if possible, the original Election
442 Officials and Oneida Police Officer present, regardless of the original type of counting process.

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Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

(a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be counted twice by different persons and certified by the Judges.

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

(b) If the Judiciary invalidates the election results, a Special Election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as the Election Law allows for a Special Election.

102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

(c) List of any ties and final results of those ties, including the method of resolution.

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

(f) Cost of the election, including the compensation paid to each Election Board member.

102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

102.11-14. Candidates elected to the Business Committee shall resign from any salaried position

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effective prior to taking a Business Committee oath of office

102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

(a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

102.11-16. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.12. Elections

Section A. Primary Elections; Business Committee

102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.

102.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

(a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.

(b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.

(c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.

102.12-3. The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary.

102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to print a notice in the Nation's newspaper if time lines allow.

Section B. Special Elections

102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as defined in this law, may be placed on the same ballot as the subject matter of an election.

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the Special Election.

102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided

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that no less than twenty-four (24) hours notice of the rescheduled election date is given to the voters, by posting notices in the prominent locations.

Section C. Referendums

102.12-9. Registered voters may indicate opinions on any development, law or resolution, proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special referendum election.

(a) Referendum elections in which a majority of the qualified voters who cast votes shall be binding on the Business Committee to present the issue for action/decision at General Tribal Council.

(b) Referendum requests may appear on the next called for election.

(c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the caucus prior to election, regarding issues directly affecting the Nation or general membership.

Section D. Initiation of Special Elections

102.12-10. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-11. Special Election may be requested by a member of the Nation to the Business Committee or General Tribal Council.

102.12-12. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

102.13. Oneida Nation Constitution and By-law Amendments

102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition of qualified voters. The requirements for the Oneida Business Committee's initiation of Constitutional amendments are as provided in the Constitution and as further detailed in the supporting standard operating procedures which the Oneida Business Committee shall adopt. Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting a petition to the Office of the Nation's Secretary which includes the full text of the proposed amendments and signatures that are equal in number to at least ten percent (10%) of all members qualified to vote.

(a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

(b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall direct the Trust Enrollment Department to calculate the number of signatures currently required for a petition submittal, which shall be ten percent (10%) of all members qualified to vote on the date the petition form is requested from the Office of the Nation's Secretary. When the Nation's Secretary receives the calculation from the Trust Enrollment Department, the Nation's Secretary shall provide the requester with the petition form and the number of signatures that are currently required.

(c) Such petitions shall be circulated with all supporting materials and submitted a minimum of ninety (90) days prior to the election at which the proposed amendment is to be voted upon. If a petition includes supporting materials in addition to the petition form, each qualified voter signing the petition shall also acknowledge that the supporting

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materials were available for review at the time he or she signed the petition by initialing where required on the petition form.

(d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment Department for verification of signatures and to the Election Board to provide notice that the petition may need to be placed on an upcoming ballot.

(e) If the petition is verified by the Trust Enrollment Department to contain signatures from at least ten percent (10%) of all qualified voters, the Election Board shall make an official announcement of the proposed amendments to the Oneida Nation Constitution at least sixty (60) days prior to the election at which the proposed amendments are to be voted on.

102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general election. Provided that, the Oneida Business Committee or General Tribal Council may order a special election be held to consider the proposed amendments. In such circumstances, the Election Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the next special election.

102.13-3. The Election Board shall publish any proposed amendments by publishing a sample ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently posted in each polling place and at administrative offices of the Nation and shall also be published in official Oneida media outlets, which the Oneida Business Committee shall identify by resolution. For the purposes of this section, Oneida administrative offices means the location where the Oneida Business Committee conducts business.

102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true and impartial statement and is written in such a manner that does not create prejudice for or against the proposed amendment.

102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission of the final election report.

102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote prevails.

End.

Adopted - June 19, 1993

Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

Amended- October 11, 2008 (General Tribal Council Meeting)

Amended-GTC-01-04-10-A

Amended – BC-02-25-15-C

Amended – GTC-04-23-17-A

Emergency Amended – BC-__-__-__

Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of Emergency Amendments to the Boards, Committees, and...

1. Meeting Date Requested: 03 / 17 / 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:


Adopt the resolution titled, "Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation"

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 Senior 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 17, 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: Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts Boards, Committees, and Commissions of the Nation
2. Statement of Effect: Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts Boards, Committees, and Commissions of the Nation
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

Emergency amendments to the Boards, Committees, and Commission law (the “Law”) are being sought to address the impact of the coronavirus disease (COVID-19) pandemic on the Nation’s boards, committees, and commissions. The emergency amendments to the Law will:

- Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend [1 O.C. 105.13-3, 105.13-4];
- Provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications [1 O.C. 105.13-3, 105.13-4];
- Revise how the limitation of stipend eligible meetings is calculated [1 O.C. 105.13-3(a)-(b)]; and
- Eliminate the requirement for boards, committees, and commissions to audio record meetings [1 O.C. 105.10-3(f)].

The world is currently facing a pandemic of COVID-19 after an outbreak began in Wuhan, China and quickly spread to many other countries throughout the world, including the United States. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported throughout the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin,

as well as across the country, continue to increase. On March 12, 2020, in accordance with the Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

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 public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. Eliminating the requirement that a member of a board, committee, or commission of the Nation be physically present for the entirety of a meeting in order to be eligible for a stipend will eliminate any unnecessary contact between individuals which could spread the COVID-19, while ensuring that the boards, committees, and commissions could conduct business uninterrupted without losing the opportunity to collect a stipend. Adjusting how the limitation of stipend eligible meetings is calculated provides boards, committees, and commissions more flexibility in determining how to hold meetings during the pandemic and the elimination of the audio recording requirements eliminates any unnecessary burdens.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of this amendment would be contrary to public interest. The process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that boards, committees and commissions can safely practice social distancing and eliminate any unnecessary contact with other individuals which may spread COVID-19 without having interruptions to the ability to hold a meeting and receive a stipend for that meeting.

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: Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts Boards, Committees, and Commissions of the Nation

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
 2 recognized by the laws of the United States of America; and
 3
 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
 5
 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
 7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
 8
 9 **WHEREAS,** the United States has identified multiple cases of COVID-19 after learning of the epidemic
 10 outbreak in Wuhan, China; and
 11
 12 **WHEREAS,** the President has created the White House Coronavirus Task Force to track the spread of
 13 the virus, identify solutions for reducing the spread of the virus, managing scarce
 14 resources, and identifying opportunities to improve testing, develop treatment and
 15 immunizations, and identify how to inform about and contain epidemics in the future; and
 16
 17 **WHEREAS,** the U.S. Congress has adopted legislation which devotes \$8.3 billion to fund the fight
 18 regarding COVID-19; and
 19
 20 **WHEREAS,** the World Health Organization has identified that the spread of COVID-19 is now a
 21 pandemic with many countries experience the effects of illness and health issues related
 22 to the virus and economic impacts; and
 23
 24 **WHEREAS,** Governor Evers has announced that he has signed Executive Order # 72 which declares
 25 a "Public Health Emergency in Response to the COVID-19 Coronavirus"; and
 26
 27 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of
 28 Emergency" which sets into place the necessary authority should action need to be taken
 29 and allowing the Oneida Nation to seek reimbursement of emergency management actions
 30 that may result in unexpected expenses; and
 31
 32 **WHEREAS,** on March 13, 2020, there were 1,629 cases reported through the United States, and 18
 33 cases of positive tests in Wisconsin; and
 34
 35 **WHEREAS,** the CDC has issued the following precautions to avoid further spread of the virus:
 36 ***Clean your hands often***
 37 • Wash your hands often with soap and water for at least 20 seconds especially after you have been
 38 in a public place, or after blowing your nose, coughing, or sneezing.
 39 • If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol.
 40 Cover all surfaces of your hands and rub them together until they feel dry.
 41 • Avoid touching your eyes, nose, and mouth with unwashed hands.
 42
 43 ***Avoid close contact***

Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic
Impacts on Boards, Committees, and Commissions of the Nation
Page 2 of 2

- Avoid close contact with people who are sick
- Put distance between yourself and other people if COVID-19 is spreading in your community. This is especially important for people who are at higher risk of getting very sick; and

WHEREAS, the CDC has identified that the months of March, April and May should be the time when the potential for the highest increases in the number of confirmed cases would occur; and

WHEREAS, the emergency amendments to the Law is being sought to address the impact of COVID-19 on the Nation's boards, committees, and commissions; 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 public health, safety, and general welfare of the Reservation population to protect the Reservation population against the public health crisis that is the COVID-19 pandemic; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest since the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that boards, committees and commissions can safely practice social distancing and eliminate any unnecessary contact with other individuals which may spread COVID-19 without having interruptions to the ability to hold a meeting and receive a stipend for that meeting; 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, the Oneida Business Committee adopts the emergency amendments outlined in the Boards, Committees, and Commissions law effective immediately.

BE IT FINALLY RESOLVED, that the amended Boards, Committees, and Commissions law hereby supersedes any conflicting language that may be found in the bylaws of boards, committees, or commissions of the Nation.



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

Adoption of Emergency Amendments to the Boards, Committees, and Commissions Law to Address COVID-19 Pandemic Impacts on Boards, Committees, and Commissions of the Nation

Summary

This resolution adopts emergency amendments to the Boards, Committees, and Commissions law which address the COVID-19 pandemic's impact on the boards, committees, and commissions of the Nation.

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

Date: March 15, 2020

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments 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 amendments to the Law will:

- Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend [1 O.C. 105.13-3, 105.13-4];
- Provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications [1 O.C. 105.13-3, 105.13-4];
- Revise how the limitation of stipend eligible meetings is calculated [1 O.C. 105.13-3(a)-(b)]; and
- Eliminate the requirement for boards, committees, and commissions to audio record meetings [1 O.C. 105.10-3(f)].

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].

The resolution provides various information on the COVID-19 pandemic that the world is now facing. This pandemic has resulted in many countries experiencing the effects of illness and health issues related to COVID-19, as well as vast economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported throughout the United States, and eighteen (18) cases of positive tests in Wisconsin. The number of positive tests in Wisconsin, as well as across the country, continue to increase.

On March 12, 2020, in accordance with the Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a public health state of emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

The resolution provides that the emergency amendments to this Law are necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments are needed to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. Eliminating the requirement that a member of a board, committee, or commission of the Nation be physically present for the entirety of a meeting in order to be eligible for a stipend will eliminate any unnecessary contact between individuals which could spread the COVID-19, while ensuring that the boards, committees, and commissions could conduct business uninterrupted without losing the opportunity to collect a stipend. Adjusting how the limitation of stipend eligible meetings is calculated provides boards, committees, and commissions more flexibility in determining how to hold meetings during the pandemic and the elimination of the audio recording requirements eliminates any unnecessary burdens.

Additionally, the resolution provides that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest. The process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that boards, committees and commissions can safely practice social distancing and eliminate any unnecessary contact with other individuals which may spread COVID-19 without having interruptions to the ability to hold a meeting and receive a stipend for that meeting.

The resolution also provides clarification to the boards, committees, and commissions of the Nation through the statement that the amended Law supersedes any conflicting language that may be found in the bylaws of boards, committees, or commissions of the Nation.

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)].

Conclusion

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



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EMERGENCY AMENDMENTS TO BOARDS, COMMITTEES, and COMMISSIONS LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend; Provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications; Revise how the limitation of stipend eligible meetings is calculated; and Eliminate the requirement for boards, committees, and commissions to audio record meetings.
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, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. <i>[1 O.C. 105.1-1]</i>
Affected Entities	Oneida Election Board, Oneida Gaming Commission, Oneida Land Claims Commission, Oneida Land Commission, Oneida Nation Commission on Aging (ONCOA), Oneida Nation School Board, Oneida Trust Enrollment Committee, Anna John Resident Centered Care Community Board, Oneida Community Library Board, Oneida Environmental Resource Board, Oneida Nation Arts Board, Oneida Personnel Commission, Oneida Police Commission, Oneida Pow Wow Committee, Oneida Nation Veterans Affairs Committee, Pardon and Forgiveness Screening Committee, Southeastern WI Oneida Tribal Services Advisory Board
Public Meeting	A public meeting is not required for emergency legislation <i>[1 O.C. 109.8-1(b) and 109.9-5(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. Background.** The Boards, Committees, and Commissions law (“the Law”) was first adopted by the Oneida Business Committee on August 2, 1995, and most recently amended on an emergency basis on March 11, 2020. 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. *[1 O.C. 105.1-1]*
- B. COVID-19 Pandemic.** The world is currently facing a pandemic of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other

countries throughout the world, including the United States. The World Health Organization has identified that the spread of COVID-19 is now a pandemic resulting in many countries experiencing the effects of illness and health issues related to COVID-19 and economic impacts. As of March 13, 2020, there were one thousand and six hundred and twenty-nine (1,629) cases reported throughout the United States, and eighteen (18) cases of positive tests in Wisconsin.

▪ *Declarations of Emergency.*

- Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” on March 12, 2020, regarding COVID-19 which sets into place the necessary authority should action need to be taken and allowing the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.
- Governor Evers declared a public health emergency for the State of Wisconsin on March 12, 2020, based on COVID-19 cases in Wisconsin.
- President Trump declared a national emergency for the United States over the COVID-19 outbreak on March 13, 2020.

▪ *Center of Disease Control Precautions.* The Center of Disease Control has identified that March, April, and May should be the time when the potential for the highest increases in the number of confirmed cases would occur, and issued the following precautions to avoid further spread of COVID-19:

- Clean your hands often.
 - Wash your hands often with soap and water for at least twenty (20) seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
 - If soap and water are not readily available, use a hand sanitizer that contains at least sixty percent (60%) alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
 - Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact.
 - Avoid close contact with people who are sick
 - Put distance between yourself and other people if COVID-19 is spreading in your community. This is especially important for people who are at higher risk of getting very sick.

C. In response to the COVID-19 pandemic, emergency amendments to the Law are being sought to address meeting and stipend requirements.

D. Table 1 illustrates the various boards, committees, and commissions of the Nation this Law applies to. 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) 	<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

<ul style="list-style-type: none"> ▪ Oneida Nation School Board ▪ Oneida Trust Enrollment Committee 	<ul style="list-style-type: none"> ▪ Oneida Police Commission ▪ Oneida Pow Wow Committee ▪ Oneida Nation Veterans Affairs Committee (ONVAC) ▪ Pardon and Forgiveness Screening Committee ▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)
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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.

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].
- Emergency amendments are being pursued for the immediate preservation of the public health, safety, and general welfare of the Reservation population against the public health crisis that is the COVID-19 pandemic. Chairman Tehassi Hill declared a public health state of emergency for the Nation on March 12, 2020. It is in the best interest of all members of boards, committees, and commissions of the Nation, as well as the general public, that social distancing is practiced and any unnecessary contact between individuals which could spread COVID-19 be eliminated.
 - Observance of the requirements under the Legislative Procedures Act for the adoption of these amendments would be contrary to public interest. The process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that boards, committees and commissions can safely practice social distancing without having interruptions to the ability to hold a meeting and receive a stipend for that meeting.
- B. The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for a six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].
- C. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact statement will eventually be required when considering permanent adoption of these amendments.
- C. The Legislative Operating Committee added these emergency amendments to the Active Files List on March 16, 2020.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Meetings Eligible for Stipends.* The proposed amendments eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting in order to be eligible to receive a meeting stipend. [1 O.C. 105.13-3]. The amendments also provide that meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications. [1 O.C. 105.13-3].

- *Effect.* The proposed emergency amendments provide more flexibility to boards, committees, and commissions of the Nation in how they can hold meetings that are eligible for a stipend. Holding meetings by telephone, video conferencing, or other telecommunications will help eliminate any unnecessary contact between individuals which could spread the COVID-19, without disrupting the ability of a board, committee, and commission to conduct business and receive a stipend for the business they are conducting.

B. *Frequency of Meeting Stipends.* The proposed amendments revise how many meetings a board, committee, or commission is eligible to receive a stipend for. The proposed amendments provide that a member of an appointed entity may be eligible for up to twelve (12) meeting stipends a year, while a member of an elected entity may be eligible for up to twenty-four (24) meeting stipends a year. [1 O.C. 105.13-3(a)-(b)]. Previously, the Law provided that an individual serving on an appointed entity shall be paid no more than one (1) meeting stipend per month, while an individual serving on an elected entity shall be paid no more than two (2) meeting stipends per month.

- *Effect.* The proposed emergency amendments do not change the overall number of meetings a member of a board, committee, or commission may be eligible to receive per year. Providing the limitation on number of meetings that are eligible for a stipend per year instead of per month provides boards, committee, and commissions with more flexibility in determining when stipend eligible meetings should be held. The Legislative Operating Committee understands that the current COVID-19 pandemic might cause some boards, committees, and commissions to have to meet more frequently while other boards, committees, and commissions of the Nation might cease to meet until the COVID-19 pandemic is more under control.

C. *Joint Meetings Eligible for Stipends.* The proposed amendments eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a joint meeting with the Oneida Business Committee in order to be eligible to receive a joint meeting stipend. [1 O.C. 105.13-4]. The amendments also provide that joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications. [1 O.C. 105.13-4].

- *Effect.* The proposed emergency amendments provide more flexibility to boards, committees, and commissions of the Nation in how they can hold joint meetings with the Oneida Business Committee that are eligible for a stipend. Holding joint meetings by telephone, video conferencing, or other telecommunications will help eliminate any unnecessary contact between individuals which could spread the COVID-19, without disrupting the ability of a board, committee, and commission to conduct a joint meeting with the Oneida Business Committee and receive a stipend for conducting that joint meeting.
- The Oneida Business Committee adopted resolution BC-03-27-19-D titled, “*Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact*” to set standard rules and understandings for joint meetings. Adoption of the proposed emergency amendments result in no conflict or impact on this resolution.

D. *Requirement to Audio Record Meetings.* The proposed amendments eliminate the requirement that a board, committee, or commission of the Nation audio record all meetings. Previously, the Law required that all bylaws of a board, committee, or commission audio record all meetings and provide in their bylaws how the entity will accomplish the audio recording and how the entity shall maintain the audio records. [BC-03-11-20-B – 1 O.C.105.10-3(f)(5)].

- *Effect.* The requirement to audio record meetings was eliminated due to the fact that in an effort to eliminate any unnecessary contact between individuals which could spread the COVID-19, the

boards, committees, or commissions hold their meetings over the phone, through a video conference, or through another source of telecommunications then audio recording the meeting may become difficult and burdensome. Boards, Committees, and Commissions of the Nation are still required to submit minutes to the Business Committee Support Office within a reasonable time after approval by an entity. [1 O.C. 102.12-1].

SECTION 6. EXISTING LEGISLATION

A. **Related Legislation.** The following laws of the Nation are related to the emergency amendments to this Law:

- *Emergency Management and Homeland Security law.* The Emergency Management and Homeland Security law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; and provides for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; and establishes the use of the National Incident Management System; and designates authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].
- The Emergency Management and Homeland Security law provides that the Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of an emergency. [3 O.C. 302.8-1]. A public health emergency is defined as the occurrence or imminent threat of an illness or health condition which:
 - (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a biological agent; and
 - (2) poses a high probability of any of the following:
 - (A) a large number of deaths or serious or long-term disability among humans; or
 - (B) widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.[3 O.C. 302.3-1(o)].
- Chairman Tehassi Hill's March 12, 2020, "Declaration of Public Health State of Emergency" conform with the requirements of the Emergency Management and Homeland Security law.

SECTION 7. OTHER CONSIDERATIONS

A. **Deadline for Permanent Adoption of Amendments.** The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for an extension of an additional six (6) month period.

- *Conclusion:* The Legislative Operating Committee will need to consider the development and adoption of permanent amendments to this Law within the next six (6) to twelve (12) months.

B. **Consideration of Additional Amendments.** The emergency amendments are limited solely to addressing requirements of holding a meeting that is eligible for a stipend and the frequency of meeting stipends. However, there may be other areas of the Law that could benefit from further amendments. In 2019, the Legislative Reference Office completed a one (1) year review of the Boards, Committees and Commissions law. During this review, the Legislative Reference Office collected feedback from boards, committees and commissions for suggested amendments.

- *Conclusion:* During development of permanent amendments to this law, the Legislative Operating Committee should review feedback received during the one (1) year review and consult with

relevant boards, committees, commissions and the Business Committee Support Office to identify any additional amendments.

C. *Updates to the Stipend Resolution.* The Law requires that the Oneida Business Committee set stipend amounts by resolution. [1 O.C. 105.13-2]. On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*” which set forth the specific stipend amounts allowed to be paid to a member of a board, committee, or commission. On May 8, 2019, the Oneida Business Committee adopted resolution BC-05-08-19-B titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” to allow the Oneida Nation School Board to be eligible to receive a stipend for participating in interviews and/or job description prescreens. Based on the proposed emergency amendments, revisions to resolution BC-05-08-19-B will have to be made to reflect the new proposal how addressing the limitation of meeting stipends.

- *Conclusion.* The Legislative Operating Committee should consider bringing an amended stipend resolution for consideration when the Legislative Operating Committee presents the emergency amendments to the Oneida Business Committee for consideration.

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].

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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
105.8. Election to an Entity
105.9. Oath of Office

105.10. Bylaws
105.11. Electronic Polling
105.12. Reporting Requirements
105.13. Stipends, Reimbursement and Compensation
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-03-11-20-B, and emergency amended by 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

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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

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her contribution of time, effort, and work for his or her board, committee, or commission 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.

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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:

- (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

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(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.
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

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- 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, 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~~ apply 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~~ an applicant 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.

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(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 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

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here.

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

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- 381 (C) if the use of an e-poll is permissible; and
382 (D) if the use of and e-poll is permissible, who will serve as the
383 Chairperson's designee for the responsibility of conducting an e-poll, if a
384 designee is utilized.
- 385 (d) "Article IV. Expectations" shall consist of the following information:
- 386 (1) *Behavior of Members*. This section shall identify the behavioral expectations
387 and requirements of a member of the entity, and identify how the entity shall
388 enforce these behavioral expectations.
- 389 (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act
390 committed by a member of the entity that inflicts, attempts to inflict, or threatens
391 to inflict emotional or bodily harm on another person, or damage to property, and
392 set forth any further expectations regarding the prohibition of violence.
- 393 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and
394 prohibited drugs for a member of an entity when acting in their official capacity,
395 and set forth any further expectations regarding the use of prohibited drugs and
396 alcohol.
- 397 (4) *Social Media*. This section shall identify expectations for the use of social
398 media in regards to official business of the entity.
- 399 (5) *Conflict of Interest*. This section shall state any standards and expectations
400 additional to those required by law of the Nation in regards to conflicts of interest
401 and how they are handled, as well as requirements related to prohibited activities
402 resulting from disclosed conflicts of interest, and means by which a party can
403 alleviate or mitigate the conflict of interest.
- 404 (e) "Article V. Stipends and Compensation" shall consist of the following information:
- 405 (1) *Stipends*. This section shall include a comprehensive list of all stipends
406 members are eligible to receive and the requirements for collecting each stipend, if
407 any in addition to those contained in this law.
- 408 (2) *Compensation*. This section shall include details regarding all other forms of
409 compensation members are eligible to receive and the requirements for collecting
410 such compensation, if any in addition to those contained in this law.
- 411 (f) "Article VI. Records and Reporting" shall consist of the following information:
- 412 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as
413 identified by this section.
- 414 (2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate
415 the most informative record of the meetings of the entity. This may include a
416 summary of action taken by the entity. This section shall identify the format for
417 minutes, and a reasonable timeframe by which minutes shall be submitted to the
418 Business Committee Support Office.
- 419 (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to
420 the minutes and agenda, or may be kept separately, provided that all materials can
421 be identified to the meeting in which they were presented. This section shall
422 identify how records of attachments shall be kept.
- 423 (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate with
424 the Oneida Business Committee member who is their designated liaison. This

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section shall identify a format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida 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.

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(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.

(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

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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 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.~~ Meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.

(a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity shall be paid no more than ~~one (1)~~ twelve (12) meeting ~~stipend~~ stipends per ~~month~~ year.

(b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity shall be paid no more than ~~two (2)~~ twenty-four (24) meeting stipends per ~~month~~ year.

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~~

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~~present for the entire meeting. Joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.~~

(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 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

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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.

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

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645 Law Office.

646
647 **105.16. Use of the Nation's Assets**

648 105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the
649 Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with
650 Generally Accepted Accounting Principles.

651 105.16-2. Each member of an entity shall comply with the system of internal accounting controls
652 sufficient to provide assurances that:

- 653 (a) all transactions are executed in accordance with management's authorization; and
654 (b) access to assets is permitted only in accordance with management's authorization; and
655 (c) all transactions are recorded to permit preparation of financial statements in conformity
656 with Generally Accepted Accounting Principles or other applicable criteria.

657 105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall
658 be immediately reported to the Internal Audit department. If the Internal Audit department finds
659 evidence of noncompliance they shall notify the Oneida Law Office, who will then make a
660 determination of further action to be taken, if any.

661
662 **105.17. Dissolution of an Entity**

663 105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee
664 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials
665 generated by a task force or ad hoc committee shall be forwarded to the Business Committee
666 Support Office for proper disposal within two (2) weeks of the dissolution.

667 105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by
668 motion of the Oneida General Tribal Council or the Oneida Business Committee.

669 105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal
670 Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida
671 Business Committee shall provide the entity written notice of the dissolution.

672 105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved
673 entities shall be responsible for closing out open business of the entity and forwarding all materials
674 and records to the Business Committee Support Office for proper storage and disposal within two
675 (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee
676 Support Office may utilize the assistance of the Records Management Department and/or any other
677 appropriate department for the storage and disposal of the records and materials.

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

681
682 **105.18. Enforcement**

683 105.18-1. Any member of an entity found to be in violation of this law may be subject to:

- 684 (a) sanctions and penalties in accordance with any laws or policies of the Nation governing
685 sanctions and/or penalties;
686 (b) removal pursuant to any laws or policies of the Nation's governing removal, if the
687 individual is a member of an elected entity; or
688 (c) termination of appointment by the Oneida Business Committee, if the individual is a

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689 member of an appointed entity.
690 *End.*
~~691~~ _____
693
694 Adopted - BC-08-02-95-A
695 Amended - BC-05-14-97-F
696 Emergency Amended - BC-04-12-06-JJ
697 Amended - BC-09-27-06-E (permanent adoption of emergency amendments)
698 Amended – BC-09-22-10-C
699 Amended – BC-09-26-18-C
700 Emergency Amended – BC-03-11-20-B
701 Emergency Amended – BC- - - -
702
703

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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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105.10. Bylaws
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105.13. Stipends, Reimbursement and Compensation
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, BC-03-11-20-B, and emergency amended by 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

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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

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her contribution of time, effort, and work for his or her board, committee, or commission 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.

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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:

- (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

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
169 official media outlets of the Nation, as determined by the Oneida Business Committee, as well as
170 any other location deemed appropriate by the Secretary.
171

172 **105.7. Appointment to an Entity**

173 105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the
174 applicant for an appointed position is selected:

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

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

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

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

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

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

195 (1) choose an applicant for appointment, or

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

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

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

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

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

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(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, 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 apply 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 an applicant 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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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 position,

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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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- Chairperson's designee for the responsibility of conducting an e-poll, if a designee is utilized.
- (d) "Article IV. Expectations" shall consist of the following information:
- (1) *Behavior of Members*. This section shall identify the behavioral expectations and requirements of a member of the entity, and identify how the entity shall enforce these behavioral expectations.
 - (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.
 - (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.
 - (4) *Social Media*. This section shall identify expectations for the use of social media in regards to official business of the entity.
 - (5) *Conflict of Interest*. This section shall state any standards and expectations additional to those required by law of the Nation in regards to conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.
- (e) "Article V. Stipends and Compensation" shall consist of the following information:
- (1) *Stipends*. This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any in addition to those contained in this law.
 - (2) *Compensation*. This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any in addition to those contained in this law.
- (f) "Article VI. Records and Reporting" shall consist of the following information:
- (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as identified by this section.
 - (2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the Business Committee Support Office.
 - (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented. This section shall identify how records of attachments shall be kept.
 - (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate with the Oneida Business Committee member who is their designated liaison. This section shall identify a format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy

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on reporting developed by the Oneida Business Committee or Oneida 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.

(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.

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

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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. Meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.

(a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed entity shall be paid no more than twelve (12) meeting stipends per year.

(b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity shall be paid no more than twenty-four (24) meeting stipends per year.

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. Joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.

(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

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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.

(d) No member of an entity shall disclose confidential information acquired by reason of

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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

Amended - BC-09-26-18-C

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690 Emergency Amended – BC-03-11-20-B
691 Emergency Amended – BC-__-__-__-__
692
693

Oneida Business Committee Agenda Request

Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends

1. Meeting Date Requested: 03 / 17 / 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 Senior 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 # _____

Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends

- 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 Committee through 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, BC-03-11-20-B, and most recently emergency amended by resolution BC-__-__-__; and
- WHEREAS,** the Law provides stipends paid by the Oneida Nation to a person serving on a board, committee, and commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for the boards, committee, or commission for the betterment of the Nation; and
- WHEREAS,** the Law requires the Oneida Business Committee to set stipend amounts by resolution; and
- WHEREAS,** the Oneida Business Committee is required to periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this resolution; and
- WHEREAS,** on September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, "*Boards, Committees, and Commissions Law Stipends*" which set forth the specific stipend amounts allowed to be paid to a member of a board, committee, or commission; and
- WHEREAS,** on May 8, 2019, the Oneida Business Committee adopted resolution BC-05-08-19-B titled, "*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*" to allow the Oneida Nation School Board to be eligible to receive a stipend for participating in interviews and/or job description prescreens; and
- WHEREAS,** on March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Law to address the requirements of holding stipend eligible meetings during the COVID-19 pandemic; and

43 **WHEREAS,** the emergency amendments to the Law revised the meeting stipend limitation for appointed
44 entities from up to “one (1) stipend per month” to up to “twelve (12) stipends per year,” and
45 for elected entities from up to “two (2) stipends per month” to up to “twenty-four (24)
46 stipends per year”; and
47

48 **WHEREAS,** the Legislative Operating Committee has reviewed this resolution and provided revisions
49 to be consistent with the emergency amendments adopted through resolution BC-__-__-
50 __-__; and
51

52 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee sets forth the following
53 stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:
54

- 55 1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee,
56 or commission of the Nation shall receive a stipend for attending a duly called meeting of the board,
57 committee, or commission in accordance with the Law.
58 a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board,
59 committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75)
60 for a duly called meeting of the board, committee, or commission for up to twelve (12)
61 meetings per year.
62 i. Appointed boards, committees, and commissions of the Nation include the
63 following:
64 1. Anna John Resident Centered Care Community Board;
65 2. Oneida Community Library Board;
66 3. Environmental Resource Board;
67 4. Oneida Nation Arts Board;
68 5. Oneida Nation Veterans Affairs Committee;
69 6. Oneida Personnel Commission;
70 7. Oneida Police Commission;
71 8. Oneida Pow-wow Committee;
72 9. Pardon and Forgiveness Screening Committee; and
73 10. Southeastern Oneida Tribal Services Advisory Board.
74 b. *Elected Boards, Committees, and Commissions.* A member of an elected board,
75 committee, or commission of the Nation shall receive a stipend of one hundred dollars
76 (\$100) for a duly called meeting of the boards, committee, or commission for up to twenty-
77 four (24) meetings per year.
78 i. Elected boards, committees, and commissions of the Nation include the following:
79 1. Oneida Nation Commission on Aging;
80 2. Oneida Election Board;
81 3. Oneida Land Claims Commission;
82 4. Oneida Land Commission;
83 5. Oneida Nation School Board;
84 6. Oneida Trust Enrollment Committee; and
85 7. Oneida Gaming Commission;
86 a. Although the Oneida Gaming Commission is an elected
87 commission of the Nation, the Oneida Nation Gaming Ordinance
88 provides that the compensation of Oneida Nation Gaming
89 Commissioners is not subject to the Nation’s Boards, Committees,
90 and Commissions law.
91 2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or
92 commission of the Nation shall receive a stipend for attending a duly called joint meeting between
93 the board, committee, or commission and the Oneida Business Committee in accordance with the
94 Law.

BC Resolution # _____

Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends
Page 3 of 3

- 95 a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board,
96 committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75)
97 for a duly called joint meeting.
- 98 b. *Elected Boards, Committees, and Commissions.* A member of an elected board,
99 committee, or commission of the Nation shall receive a stipend of one hundred dollars
100 (\$100) for a duly called joint meeting.
- 101 3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall
102 receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's
103 attendance at the hearing is required by official subpoena.
- 104 4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee,
105 or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official
106 hearing of the board, committee, or commission.
- 107 5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine
108 any other stipends deemed appropriate.
- 109 a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend
110 of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow,
111 not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted
112 funds.
- 113 b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of
114 twenty-five dollars (\$25) per hour, not to exceed two hundred dollars (\$200) per day,
115 contingent upon available budgeted funds, for services he or she provides during an
116 election including, but not limited to, managing the polling site, recounts, and lot drawings.
- 117 c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a
118 stipend of one hundred dollars (\$100) for attendance and service provided at a General
119 Tribal Council meeting of the Nation.
- 120 d. *Interviews and Job Selection Pre-Screening.* A member of the Oneida Personnel
121 Commission and/or the Oneida Nation School Board shall receive a stipend of twenty-five
122 dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-
123 screens, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in
124 interviews and/or job description pre-screens.
- 125 6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall
126 receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training
127 that is required by law, bylaw, or resolution.

128
129 **BE IT FINALLY RESOLVED,** that this resolution hereby adopted and shall be effective immediately.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Amending Resolution BC-~~09-26-18-D~~05-08-19-B Boards, Committees, and Commissions Law Stipends

- 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 Committee through resolution BC-~~505~~-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-09-26-18-C, BC-03-11-20-B, and most recently BC-09-26-18-C; emergency amended by resolution BC- - - -; and
- WHEREAS,** the Law provides stipends paid by the Oneida Nation to a person serving on a board, committee, and commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for the boards, committee, or commission for the betterment of the Nation; and
- WHEREAS,** the Law requires the Oneida Business Committee to set stipend amounts by resolution; and
- WHEREAS,** the Oneida Business Committee is required to periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this resolution; and
- WHEREAS,** on September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, "*Boards, Committees, and Commissions Law Stipends*" which set forth the specific stipend amounts allowed to be paid to a member of a board, committee, or commission; and
- WHEREAS,** on ~~April 10~~May 8, 2019, the Oneida Business Committee ~~received a request from the Oneida Nation School Board to amend adopted~~ resolution BC-~~05-08-19-B~~ titled, "*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*" to allow the Oneida Nation School Board to ~~be eligible to~~ receive a stipend for participating in ~~the hiring process for Oneida Nation School System Personnel; and interviews and/or job description prescreens; and~~
- WHEREAS,** ~~the Oneida Nation School Board is required by the on~~ March ~~21, 1988, memorandum of agreement between the Oneida Nation School Board and~~17, 2020, the Oneida Business Committee adopted emergency amendments to ~~perform all hiring, evaluations,~~

~~promotions, suspensions and/or dismissals of all personnel employed in the operation of the Oneida Tribal School;~~ the Law to address the requirements of holding stipend eligible meetings during the COVID-19 pandemic; and

WHEREAS, ~~the Oneida Business Committee adopted a motion on April 10, 2019, to accept the request from the Oneida Nation School Board to amend resolution BC-09-26-18-D and to defer the request the Legislative Operating Committee and the Legislative Reference Office to bring back a recommendation which would support the request to include a stipend for HR functions; and~~

WHEREAS, the emergency amendments to the Law revised the meeting stipend limitation for appointed entities from up to "one (1) stipend per month" to up to "twelve (12) stipends per year," and for elected entities from up to "two (2) stipends per month" to up to "twenty-four (24) stipends per year"; and

WHEREAS, ~~the Legislative Operating Committee and the Legislative Reference Office have~~ has reviewed ~~the matter and provided this resolution to amend~~ and provided revisions to be consistent with the emergency amendments adopted through resolution BC-~~09-26-18-D~~ - - -; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee sets forth the following stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:

1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called meeting of the board, committee, or commission in accordance with the Law.
 - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called meeting of the board, committee, or commission for up to ~~one (1) meeting~~ twelve (12) meetings per ~~month~~ year.
 - i. Appointed boards, committees, and commissions of the Nation include the following:
 1. Anna John Resident Centered Care Community Board;
 2. Oneida Community Library Board;
 3. Environmental Resource Board;
 4. Oneida Nation Arts Board;
 5. Oneida Nation Veterans Affairs Committee;
 6. Oneida Personnel Commission;
 7. Oneida Police Commission;
 8. Oneida Pow-wow Committee;
 9. Pardon and Forgiveness Screening Committee; and
 10. Southeastern Oneida Tribal Services Advisory Board.
 - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called meeting of the boards, committee, or commission for up to ~~two (2)~~ twenty-four (24) meetings per ~~month~~ year.
 - i. Elected boards, committees, and commissions of the Nation include the following:
 1. Oneida Nation Commission on Aging;
 2. Oneida Election Board;
 3. Oneida Land Claims Commission;
 4. Oneida Land Commission;

5. Oneida Nation School Board;
6. Oneida Trust Enrollment Committee; and
7. Oneida Gaming Commission;
 - a. Although the Oneida Gaming Commission is an elected commission of the Nation, the Oneida Nation Gaming Ordinance provides that the compensation of Oneida Nation Gaming Commissioners is not subject to the Nation's Boards, Committees, and Commissions law.
2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called joint meeting between the board, committee, or commission and the Oneida Business Committee in accordance with the Law.
 - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called joint meeting.
 - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called joint meeting.
3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official hearing of the board, committee, or commission.
5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine any other stipends deemed appropriate.
 - a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow, not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted funds.
 - b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of ~~ten~~ twenty-five dollars (~~\$40~~\$25) per hour, not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted funds, for services he or she provides during an election including, but not limited to, managing the polling site, recounts, and lot drawings.
 - c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a stipend of one hundred dollars (\$100) for attendance and service provided at a General Tribal Council meeting of the Nation.
 - d. *Interviews and Job Selection Pre-Screening.* A member of the Oneida Personnel Commission and/or the Oneida Nation School Board shall receive a stipend of twenty-five dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-screens, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in interviews and/or job description pre-screens.
6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training that is required by law, bylaw, or resolution.

BE IT FINALLY RESOLVED, that this resolution hereby adopted and shall be effective immediately.



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



Statement of Effect

Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends

Summary

This resolution amends resolution BC-05-08-19-B titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” which sets forth specific stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation.

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

Date: March 16, 2020

Analysis by the Legislative Reference Office

The Boards, Committees, and Commissions law (“the Law”) was adopted by the Oneida Business Committee for the purpose of governing 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].

Stipends are 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. [1 O.C. 105.3-1(n)].

The Law requires that the Oneida Business Committee set stipend amounts by resolution. [1 O.C. 105.13-2]. On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*” which set forth the specific amounts for the various stipends a member of a board, committee, or commission may be eligible to receive.

The Oneida Business Committee is delegated the responsibility to periodically review the amounts provided for stipends, and based on the availability of funds, adjust those amounts accordingly by amending the stipend resolution. [1 O.C. 105.13-2].

On May 8, 2019, the Oneida Business Committee adopted resolution BC-05-08-19-B titled, “*Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends*” to allow the Oneida Nation School Board to be eligible to receive a stipend for participating in interviews and/or job description prescreens.

On March 17, 2020, the Oneida Business Committee made emergency amendments to the Law to address the impact of the COVID-19 pandemic on the Nation’s boards, committees, and commissions – specifically, the requirements of holding stipend eligible meetings during the COVID-19 pandemic.

This resolution amends resolution BC-05-08-19-B to adjust the meeting stipend limitation for appointed entities from up to “one (1) stipend per month” to up to “twelve (12) stipends per year,” and for elected entities from up to “two (2) stipends per month” to up to “twenty-four (24) stipends per year”

Conclusion

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