

ONEIDA NATION
PUBLIC COMMENT PERIOD NOTICE
Due to the COVID-19 Public Health Emergency
Only Written Comments Will Be Accepted Until:
THURSDAY JULY 9, 2020

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Send Public Comments to
LOC@oneidanation.org
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BOARDS, COMMITTEES, and COMMISSIONS LAW AMENDMENTS

The purpose of this 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.

The Boards, Committees, and Commissions law amendments will:

1. Allow the Business Committee Support Office to repost a vacancy for an additional time period if insufficient applications are received, as long as notification is provided to the Oneida Business Committee;
2. Allow the Business Committee Support Office to request additional time from the Oneida Business Committee in compiling the applications, summary of qualifications, or results of any investigation;
3. Clarify a deadline for when a Chair of an entity has to submit a recommendation for an appointment to the entity for the Oneida Business Committee's consideration;
4. Allow for the oath of office to be taken at an alternative time and location than during a regular or special Oneida Business Committee meeting as determined by the Secretary;
5. Clarify that only a member of an entity shall respond to e-polls;
6. Eliminate the requirement that a member of an entity be *physically* present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend, but still require that the member to be present and participate in the entire meeting through some means;
7. Provide that meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications;
8. Revise and clarify how the limitation on meeting stipends is calculated, as well as how stipends for conferences and trainings are determined; and
9. Specify that certain employment positions within the Nation are ineligible to serve on an entity due to the potential for a real or perceived conflict of interest to exist.

PUBLIC COMMENT PERIOD CLOSES THURSDAY, JULY 9, 2020

The Nation's COVID-19 Core Decision Making Team issued a declaration on March 27, 2020, titled "*Suspension of Public Meetings under the Legislative Procedures Act.*" This declaration provides that the Legislative Procedures Act's requirement to hold a public meeting during the public comment period is suspended due to the COVID-19 Public Health State of Emergency. Although there will be no public meeting, the public comment period will still occur, and individuals can participate in the legislative process by submitting written comments, questions, or other input via e-mail to LOC@oneidanation.org.



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"> ▪ Allow the Business Committee Support Office to repost a vacancy for an additional time period if insufficient applications are received, as long as notification is provided to the Oneida Business Committee; ▪ Allow the Business Committee Support Office to request additional time from the Oneida Business Committee in compiling the applications, summary of qualifications, or results of any investigation; ▪ Clarify a deadline for when a Chair of a board, committee, or commission of the Nation has to submit a recommendation for an appointment to the entity for the Oneida Business Committee's consideration; ▪ Allow for the oath of office to be taken at an alternative time and location than during a regular or special Oneida Business Committee meeting as determined by the Secretary; ▪ Require that an entity audio record all meetings; ▪ Clarify that only a member of an entity shall respond to e-polls; ▪ 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, but still require the member to be present and participate for the entire meeting through some means; ▪ 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; ▪ Clarify how eligibility for a conference or training stipend is calculated; and ▪ Specify that certain positions within the Nation are ineligible to serve on a board, committee, or commission of the Nation due to the potential for a real or perceived conflict of interest to exist.
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, 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 comment period will be held open until July 9, 2020. A public meeting will not be held in accordance with the Nation's COVID-19 Core Decision Making Team's declaration titled, " <i>Suspension of Public Meetings under the Legislative Procedures Act.</i> "
Fiscal Impact	A fiscal impact statement has not yet been developed.

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, 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]. The Law was last amended on a permanent basis thorough the adoption of resolution BC-09-26-18-C, and then amended on an emergency basis through the adoption of resolution BC-03-11-20-B and BC-03-17-20-C.
- B.** The Legislative Operating Committee is proposed amendments be made to this Law to permanently adopt emergency amendments that were recently made to the Law, as well as to address various considerations that arose during the one (1) year review of the Law.
- C.** 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)▪ Oneida Nation School Board▪ Oneida Trust Enrollment Committee	<ul style="list-style-type: none">▪ Anna John Resident Centered Care Community Board (AJRCC)▪ Oneida Community Library Board▪ Oneida Environmental Resource Board (ERB)▪ Oneida Nation Arts Board▪ Oneida Personnel Commission▪ Oneida Police Commission▪ Oneida Pow Wow Committee▪ Oneida Nation Veterans Affairs Committee (ONVAC)▪ Pardon and Forgiveness Screening Committee▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)

SECTION 3. CONSULTATION AND OUTREACH

- A.** Representatives from the following departments or entities participated in the one (1) year review of the Law which was then used in development of amendments to this Law and legislative analysis:
- Oneida Law Office;
 - Business Committee Support Office;
 - Oneida Land Commission;
 - Oneida Trust Enrollment Committee;
 - Oneida Nation Commission on Aging;
 - Oneida Nation School Board;
 - Oneida Police Commission;
 - Oneida Personnel Commission; and
 - Oneida Nation Arts Board.

- B. The following laws were reviewed in the drafting of this analysis: Election Law, Removal law, Code of Ethics, Conflict of Interest Policy, Oneida Nation Gaming Ordinance, Computer Resources Ordinance, Social Media Policy.

SECTION 4. PROCESS

- A. The amendments to this Law have followed the process set forth in the Legislative Procedures Act.

- On February 12, 2020, the Oneida Business Committee adopted a motion “to request the Legislative Operating Committee to consider amendments to the Boards, Committees and Commissions law as agreed upon at the February 3, 2020, joint meeting with the Oneida Land Commission.”
- The LOC added the amendments to the Active Files List on February 19, 2020.
- The Oneida Business Committee adopted emergency amendments to the Law on March 11, 2020, through the adoption of resolution BC-03-11-20-B, to address ineligibility due to a conflict of interest. These emergency amendments were set to expire on September 11, 2020.
- The Oneida Business Committee adopted emergency amendments to the Law on March 17, 2020, through the adoption of resolution BC-03-17-20-C, to address how meetings are held, and limitations on stipends. These emergency amendments will expire on September 17, 2020.

- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of these amendments:

- April 23, 2020: LOC work meeting.
- April 30, 2020: LOC work meeting.
- May 7, 2020: LOC work meeting.
- June 2, 2020: LOC work meeting.
- June 4, 2020: LOC work meeting.

- C. *COVID-19 Pandemic’s Effect on the Legislative Process.* A public meeting for the proposed amendments to this Law will not be held due to the COVID-19 pandemic.

- On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.
- On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. This declaration prohibits all public gatherings of any number of people.
- Then on March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which suspended the Legislative Procedures Act’s requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.
- On March 28, 2020, the Oneida Business Committee adopted resolution BC-03-28-20-A titled, “*Extension of March 12th Declaration of Public Health State of Emergency*” which extended the Nation’s Public Health State of Emergency declaration until May 12, 2020.

- On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume.
- On May 6, 2020, the Oneida Business Committee adopted resolution BC-05-06-20-A titled, “*Extension of Declaration of Public Health State of Emergency Until June 11, 2020*” which further extended the Nation’s Public Health State of Emergency until June 11, 2020.
- On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home Declaration, Amendment, Open for Business*” which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons.
- On June 10, 2020, the Oneida Business Committee will consider the adoption of a resolution that would further extend the Nation’s Public Health State of Emergency until July 12, 2020.
- Although a public meeting will not be held on the proposed amendments to the Boards, Committees, and Commissions law, a public comment period will still be scheduled and held open in accordance with the Legislative Procedures Act and the COVID-19 Core Decision Making Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Reposting for Insufficient Applications.*** The proposed amendments to the Law allow the Business Committee Support Office to repost a vacancy for an additional time period when insufficient applications are received after the deadline date has passed for appointed positions. [1 O.C. 105.5-5]. The Business Committee Support Office is required to provide the Oneida Business Committee notification that a position will be reposted. [1 O.C. 105.5-5(a)]. Previously, if an insufficient number of applications were received after the deadline date has passed for appointed positions, it was the Oneida Business Committee who could elect to repost the vacancy for an additional time period.
- *Effect.* The proposed amendments make the process for reposting a vacancy for an additional time period when insufficient applications are received more efficient because the Business Committee Support Office can take this action immediately, as long as notification is provided to the Oneida Business Committee, instead of having to take the request to the Oneida Business Committee and wait for official action to be taken by the Oneida Business Committee as to whether to repost.
- B. *Appointment Selection Process.*** The Law provides that 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 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 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. [1 O.C. 105.7-1(a)(1)-(2)]. The proposed amendments to the Law provide that if delays in compiling the applications, summary of qualifications, or results of any investigations exist, the Business Committee Support Office shall request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2). [1 O.C. 105.7-1(a)(3)].
- *Effect.* The proposed amendments to the Law provide flexibility to the Business Committee Support Office to request additional time to complete the compilation of materials and submission onto the next executive session portion of an Oneida Business Committee meeting if delays exist.

The Business Committee Support Office identified that during the first year of this provision being in effect a situation arose where results of a drug test were not available during the twenty-one (21) day time-period. The Business Committee Support Office wants to ensure that if there are any delays in receiving results of a background investigation or drug test, additional time can be requested so that the Business Committee Support Office can ensure that all available relevant information is shared with the Oneida Business Committee and the entity's Chairperson.

C. *Deadline for Recommendation for Appointment by the Chair of an Entity.* The proposed amendments to the Law provide that the Chairperson of an entity may review the application materials and submit to the Business Committee Support Office a recommendation to the Oneida Business Committee of an applicant for appointment. [1 O.C. 105.7-1(b)(1)]. The recommendation shall be submitted to the Business Committee Support Office in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be made. [1 O.C. 105.7-1(b)(1)(A)]. Previously, the Law simply stated that 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.

- *Effect.* The proposed amendments to the Law provide more clarification as to a specific deadline and method for recommendations to be submitted. The Business Committee Support Office provided that how recommendations were being submitted was inconsistent, and that issues arose with recommendations being submitted once the Oneida Business Committee was already in executive session. The proposed amendment will provide more guidance to Chairs of boards, committees, and commissions to ensure they know how to properly submit a recommendation to the Oneida Business Committee.

D. *Oath of Office.* The proposed amendments provide that all appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting, or at an alternate time and location as determined by the Secretary. [1 O.C. 105.9-1]. Previously, the Law only allowed for an oath of office to be taken at an Oneida Business Committee meeting, although a person was allowed to appear by video conferencing equipment if granted permission by the Secretary.

- *Effect.* The proposed amendments provide more flexibility as to when and where an oath of office can be taken. Many members of boards, committees, and commissions expressed that it was burdensome to only allow oaths of office to occur during an Oneida Business Committee meeting. This allows the Secretary to use his or her discretion to allow for an oath of office to be taken at an alternative time or place other than an Oneida Business Committee meeting.

E. *Requirement to Audio Record Meetings.* The proposed amendments reinstate the requirement that a boards, committee, or commission audio record all meetings, and the requirement that the bylaws of a board, committee, or commission address how this will be accomplished. [1 O.C. 105.10-3(f)(5)]. The emergency amendments adopted through resolution BC-03-17-20-C removed this provision from the Law due to the COVID-19 pandemic and the uncertainty of whether a board, committee, or commission will have the capability to audio record meetings.

- *Effect.* The proposed amendment simply return this provision back to the Law. The Legislative Operating Committee determined that requirement to audio record meetings is an important function. The Legislative Operating Committee is confident that boards, committees, and commissions have the ability to audio record meetings even if meetings have to be held remotely through telecommunications. For example, Microsoft Teams has the capability to record meetings that are held through the video call and call functions.

- 163 **F. *Clarification for Responding to an Electronic Poll.*** The proposed amendments provide clarification
164 that only a member of an entity can respond to an electronic poll, or “e-poll,” of an entity. [1 O.C.
165 105.11-3]. Previously, the Law provided that a response from a member of an entity shall be valid if
166 received from an official e-mail address of the entity.
- 167 ▪ ***Effect.*** The proposed amendment provides additional clarify that it is to be the member of a board,
168 committee, or commission himself or herself, and therefore, the use of a proxy to respond to an e-
169 poll is not allowed.
- 170 **G. *Meetings Eligible for Stipends.*** The proposed amendments eliminate the requirement that a member
171 of a board, committee, or commission be *physically* present during the entirety of a meeting in order to
172 be eligible to receive a meeting stipend, although the member is still required to be present for the
173 entirety of the meeting. [1 O.C. 105.13-3]. Meetings can occur in person, by telephone, through
174 videoconferencing, or through other telecommunications. [1 O.C. 105.13-3]. The proposed
175 amendments also provide that an entity shall demonstrate presence during an entire meeting by taking
176 roll call on the record at both the beginning and conclusion of a meeting. [1 O.C. 105.13-3(c)].
177 Previously, the Law required that a member of a board, committee, or commission be physically present
178 for the entirety of a meeting because meetings had to occur in person in order to be eligible for a stipend.
- 179 ▪ ***Effect.*** The proposed amendments provide more flexibility to boards, committees, and
180 commissions of the Nation in how they can hold meetings that are eligible for a stipend. Flexibility
181 for how a meeting is held is especially important during times such as this COVID-19 pandemic.
182 Holding meetings by telephone, video conferencing, or other telecommunications will help
183 eliminate any unnecessary contact between individuals which could spread COVID-19, without
184 disrupting the ability of a board, committee, and commission to conduct business and receive a
185 stipend for the business they are conducting. Although the Legislative Operating Committee wants
186 to provide boards, committees, or commissions with more flexibility, it is still important that
187 members of a board, committee, or commission participate and be present for the entirety of a
188 meeting, especially when meetings are not held in person. For that reason, the Legislative Operating
189 Committee included the provision on how a board, committee, or commission can demonstrate
190 presence during a meeting through taking roll call at the beginning and end of a meeting.
- 191 **H. *Frequency of Meeting Stipends.*** The proposed amendments revise how many meetings a board,
192 committee, or commission is eligible to receive a stipend for. The proposed amendments provide that
193 a member of an appointed entity may be eligible for up to twelve (12) meeting stipends a year, while a
194 member of an elected entity may be eligible for up to twenty-four (24) meeting stipends a year. [1 O.C.
195 105.13-3(a)-(b)]. Previously, the Law provided that an individual serving on an appointed entity shall
196 be paid no more than one (1) meeting stipend per month, while an individual serving on an elected
197 entity shall be paid no more than two (2) meeting stipends per month.
- 198 ▪ ***Effect.*** The proposed amendments do not change the overall number of meetings a member of a
199 board, committee, or commission may be eligible to receive per year. Providing the limitation on
200 number of meetings that are eligible for a stipend per year instead of per month provides boards,
201 committees, and commissions with more flexibility in determining when stipend eligible meetings
202 should be held.
- 203 **I. *Joint Meetings Eligible for Stipends.*** The proposed amendments eliminate the requirement that a
204 member of a board, committee, or commission be *physically* present during the entirety of a joint
205 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 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
- 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 amendments result in no conflict or impact on this resolution.

J. *Stipends for Attendance at Conferences and Trainings.* The proposed amendments provide that a member of a board, committee, or commission shall be eligible for a stipend for attending a conference or training, when attendance at the conference or training is required by law, bylaw or resolution. [1 O.C. 105.13-8(a)]. The proposed amendments further provide that the amount of the stipend a member is eligible to receive for attendance at a conference or training shall be dependent on whether the member attended up to four (4) hours of a conference or training, or more than four (4) hours of a conference or training. [1 O.C. 105.13-8(a)(1)]. Previously, the Law provided that a member shall be eligible for a stipend for each full day the member is present at a conference or training, when attendance at the conference or training is required by law, bylaw or resolution.

- *Effect.* The proposed amendments provide clarification as to how a stipend for attendance at a conference or training will be determined. Previously, there were many questions as to how to interpret what a “full day” of attending a conference and training meant. Many members of boards, committees, and commissions expressed that requiring attendance at a conference or training be a full day was inequitable as it did not reflect the reality of many trainings and conferences being less than a full day. The proposed amendment is modeled after how stipends for participation in interviews are handled. This will provide not only clarification on how eligibility for a stipend for attending a conference or training will be determined, but also provide more flexibility to members of boards, committees, and commissions for what trainings or conferences they are eligible to receive a stipend for.

K. *Ineligibility Due to Conflicts of Interest.* The proposed amendments to the Law provide that 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: political appointees; an employee of the Nation’s Internal Audit Department, Finance Administration, Law Office, or Intergovernmental Affairs and Communications; and an employee who serves as a direct report to the Oneida Business Committee. [1 O.C. 105.15-3]. Previously, the Law provided that political appointees could not serve on an appointed or elected entity due to the potential for a real or perceived conflict of interest to exist.

- *Effect.* The proposed amendments expand the restriction to serve on a board, committee, or commission from political appointees to other employees of the Nation. The potential for a real or perceived conflict of interest to exist for an employee of the Internal Audit Department, Finance Administration, Law Office, Intergovernmental Affairs and Communications, or any employee who holds a position as a direct report to the Oneida Business Committee is due to the nature of employment in those areas. Those employees have access to confidential information which requires a higher level of professionalism and fiscal responsibilities than other areas. Therefore, it is in the best interest of the Nation to recognize the potential for a conflict of interest to exist and

amend the Law to restrict employee related actions on this matter to better protect the Nation from a potential conflict of interest.

- *Number of Employees Impacted.* At the time this legislative analysis was drafted, the following number of employees would be impacted as a result of this proposed amendment to the Law:
 - Internal Audit Department: nine (9) employees;
 - Oneida Law Office: eight (8) employees;
 - Finance Administration Office: three (3) employees;
 - Intergovernmental Affairs and Communications: seven (7) employees; and
 - Direct Reports: eight (8) employees including the following positions as identified in resolution BC-08-14-19-N:
 - Chief Counsel;
 - General Manager;
 - Gaming General Manager;
 - Intergovernmental Affairs and Communications Director;
 - Emergency Management Director;
 - Area Manager, Human Resources Division;
 - Area Manager, Retail-Profit; and
 - Business Compliance Analyst.
- Nothing in this Law limits the ability of any department of the Nation from placing their own restrictions and expectations within employment contracts, job descriptions, or standard operating procedures. As a result, there may be employees of the Nation who are already restricted from serving on a board, committee or commission outside of this Law.

SECTION 6. EXISTING LEGISLATION

A. *References to other Laws of the Nation.* The following laws of the Nation are referenced in this Law:

- *Election law.* The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities. [1 O.C. 102.1-1].
 - The Boards, Committees, and Commissions law provides that applications for elected positions shall be verified according to the Nation’s laws and/or policies governing elections. [1 O.C. 105.5-4].
 - The Boards, Committees, and Commissions law provides that 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. [1 O.C. 105.8-1]. Additionally, this Law provides that 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. [1 O.C. 105.8-2].
- *Open Records and Open Meetings law.* The Open Records and Open Meetings law advances the democratic principle of open government by providing access to information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees. [1 O.C. 107.1-1].
 - The Boards, Committees, and Commissions law provides that all removal or destruction of documents of an entity shall be made in accordance with the Nation’s laws and policies governing open records and open meetings. [1 O.C. 105.14-2].

- 293 ▪ *Computer Resources Ordinance.* The Computer Resources Ordinance regulates the usage of
294 computer resources owned and operated by the Nation. [2 O.C. 215.1-1].
 - 295 ▪ The Boards, Committees, and Commissions law provides that a member of an entity shall
296 sign an acknowledgment form provided by the Nation’s Secretary indicating notice of the
297 Nation’s applicable computer and media related laws, policies and rules. [1 O.C. 105.14-
298 3(b)].
 - 299 ▪ *Social Media Policy.* The Social Media Policy regulates social media accounts, including a social
300 networking web page, blog or microblog, that is administered on behalf of the Nation or an entity
301 of the Nation. [2 O.C. 218.1-1].
 - 302 ▪ The Boards, Committees, and Commissions law provides that a member of an entity shall
303 sign an acknowledgment form provided by the Nation’s Secretary indicating notice of the
304 Nation’s applicable computer and media related laws, policies and rules. [1 O.C. 105.14-
305 3(b)].
 - 306 ▪ *Conflict of Interest law.* The purpose of the Conflict of Interest law is to ensure that all employees,
307 contractors, elected officials, officers, political appointees, appointed and elected members and all
308 others who may have access to information or materials that are confidential or may be used by
309 competitors of the Nation’s enterprises or interests be subject to specific limitations to which such
310 information and materials may be used in order to protect the interests of the Nation. [2 O.C. 217.1-
311 1].
 - 312 ▪ The Boards, Committees, and Commissions law provides that all members of an entity are
313 required to adhere to the Nation’s laws and policies governing conflicts of interest. [1 O.C.
314 105.15-1].
 - 315 ▪ *Removal law.* The Removal law provides an orderly and fair process that governs the removal of
316 persons elected to serve on boards, committees, and commissions of the Nation. [1 O.C. 104.1-1].
317 The Removal law provides the various grounds for removal [1 O.C. 104.4-1], as well as the removal
318 process which consists of a petition [1 O.C. 104.5], preliminary review [1 O.C. 104.6], hearing at
319 the Judiciary [1 O.C. 104.7], and ultimate decision by the General Tribal Council [1 O.C. 104.8].
 - 320 ▪ The Boards, Committees, and Commissions law provides that any elected member of an
321 entity found to be in violation of this Law may be subject to removal pursuant to any laws
322 or policies of the Nation governing removal. [1 O.C. 105.18-1].
 - 323 ▪ The Boards, Committees, and Commissions law also provides that a position in an entity
324 shall be considered vacant upon removal whenever the removal is effective in accordance
325 to any law or policy of the Nation regarding removal. [1 O.C. 105.6-2(b)].
- 326 **B. References to Conflicts of Interest in Other Laws.** The following laws of the Nation reference conflict
327 of interest as it relates to employees and elected or appointed officials of the Nation. Employees and/or
328 elected and appointed officials are already subject to comply with the following provisions within other
329 laws:
- 330 ▪ *Conflict of Interest law.* The Conflict of Interest law applies to “all agents, elected officials, officers,
331 political appointees, contractors, appointed and or elected members.” [2 O.C. 217.4-1].
 - 332 ▪ The Conflict of Interest law requires employees and elected or appointed officials to disclose
333 any conflicts of interest.
 - 334 ▪ Failure to disclose a conflict of interest may result in removal in accordance
335 with the Removal law, penalties pursuant to laws of the Nation regarding
336 penalties, or termination of employment. [2 O.C. 217.6-2 and 217.6-3].

- 337 ▪ When an existing conflict of interest is disclosed, no employee, elected
338 official, or appointed official may participate in the selection, award or
339 administration of a contract, including contracts supported by federal award
340 and/or any other prohibited activities identified in any other law, policy or rule
341 of the Nation. [2 O.C. 217.7].
- 342 ▪ There is no conflict with the proposed amendments and compliance with the Conflicts of
343 Interest law. Upon adoption of the proposed amendments, serving on a board, committee, or
344 commission of the Nation while being employed in the Internal Audit Department, Law
345 Office, Finance Administration Office, or Intergovernmental Affairs and Communications,
346 or employed in a position that serves as a direct report to the Oneida Business Committee
347 will become a “prohibited activity identified in a law of the Nation” in accordance with the
348 Conflict of Interest law.
- 349 ▪ *Code of Ethics law.* The Code of Ethics law promotes the highest ethical conduct in all of its elected
350 and appointed officials and employees and represents a minimum standard of conduct which is
351 expected. [1 O.C. 103.1-1]. All government officials, including persons elected to serve on a board,
352 committee or commission are subject to the Nation’s Code of Ethics law.
 - 353 ▪ The Code of Ethics law provides that a government official shall create and maintain an
354 independent and honorable political system and shall observe high standards of conduct...
355 including, but not limited to:” [1 O.C. 103.3-3(a)].
 - 356 ▪ Encouraging separation between departments or entities of tribal government,
357 and should avoid contact or duty that violates such a separation.
 - 358 ▪ Avoid participation in action or decision making (except where participation
359 is in accordance with the traditions of the Nation) that would present an
360 appearance of conflict of interest or an actual conflict of interest.
 - 361 ▪ The Code of Ethics law provides that a government official should disqualify themselves
362 when their action or inaction might reasonably be questioned, including, but not limited to
363 personal bias...” [1 O.C. 103.3-5].
 - 364 ▪ The Code of Ethics law provides that a government official shall regulate their extra
365 governmental activities to minimize the risk of conflict with duties of their office.” [1 O.C.
366 103.3-6].
 - 367 ▪ The Code of Ethics law provides that government officials may be subject to either removal,
368 if elected, or termination, if appointed, for a violation of any part of this ethics code as it
369 applies to them.” [1 O.C. 103.6-1].
 - 370 ▪ There is no conflict between the proposed amendments and compliance with the Code of
371 Ethics law.
- 372 ▪ *Election law.* The Election law states that “No applicant may have a conflict of interest with the
373 position for which they are being considered, provided that any conflict of interest which may be
374 eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to
375 nomination or election.” [1 O.C. 102.5-3].
 - 376 ▪ This means that although the proposed amendments to the Boards, Committees, and
377 Commissions law prohibit employees of the Internal Audit Department, Law Office,
378 Finance Administration Office, Intergovernmental Affairs and Communications, or any
379 person employed in a position that serves as a direct report to the Oneida Business
380 Committee from serving on a board, committee, or commission of the Nation, those

individuals may still be nominated for office, run in an election, and win election to a board, committee or commission. However, the winning candidate would have to eliminate their conflict of interest prior to taking office by resigning from their position of employment.

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

Table 2. Restrictions on Employees in Current Bylaws.

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

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

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

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

SECTION 7. OTHER CONSIDERATIONS

A. *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. Then on March 17, 2020, the Oneida Business Committee adopted resolution BC-03-17-20-D titled, “*Amending Resolution BC-05-18-19-B Boards, Committees, and Commissions Law Stipends*” to address emergency amendments that were made to the Law. Based on the proposed amendments, revisions to resolution BC-03-17-20-D will have to be made to permanently reflect the new proposal on how to address the limitation of meeting stipends, as well as how stipends for conferences and trainings are determined.

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

B. *Suspension of all Non-Emergent Expenses and Stipends and Activity by Certain Boards, Committees, and Commissions.* On March 19, 2020, the Nation’s COVID-19 Core Decision Making Team issued a declaration titled, “*Suspension of all Non-Emergent Expenses and Stipends and Activity by Certain Boards, Committees, and Commissions.*” This declaration identified that the Nation needed to preserve cash flow to provide funds for regular wages to employees throughout the emergency declaration period, and that activities of boards, committees, and commissions could create contact and spread of COVID-19 through meetings and gatherings. This declaration then suspended all budget expenditures and stipends for certain boards, committees, and commissions of the Nation, as well as discontinued meetings for certain boards, committees, and commissions. For those boards, committees, and commissions of the Nation not specifically identified, the declaration recommended that meetings be discontinued or held remotely.

- The boards, committees, and commissions of the Nation who had all budget expenditures and stipends suspended by this declaration included:
 - Oneida Community Library Board;
 - Oneida Environmental Resources Board;
 - Oneida Nation Arts Board;
 - Oneida Nation Veterans Affairs Committee;
 - Oneida Personnel Commission;

- 432 ▪ Oneida Pow Wow Committee;
- 433 ▪ Pardon and Forgiveness Screening Committee;
- 434 ▪ Southeast Wisconsin Oneida Tribal Social Services Advisory Board;
- 435 ▪ Finance Committee, Public Member;
- 436 ▪ Audit Committee, Public Member;
- 437 ▪ Oneida Land Claims Commission; and
- 438 ▪ Oneida Nation Commission on Aging.
- 439 ▪ The boards, committees, and commissions of the Nation who had all meetings discontinued by this
440 declaration included:
 - 441 ▪ Oneida Community Library Board;
 - 442 ▪ Oneida Environmental Resources Board;
 - 443 ▪ Oneida Nation Arts Board;
 - 444 ▪ Oneida Nation Veterans Affairs Committee;
 - 445 ▪ Oneida Personnel Commission;
 - 446 ▪ Oneida Pow Wow Committee;
 - 447 ▪ Pardon and Forgiveness Screening Committee;
 - 448 ▪ Southeast Wisconsin Oneida Tribal Social Services Advisory Board;
 - 449 ▪ Oneida Land Claims Commission; and
 - 450 ▪ Oneida Nation Commission on Aging.
- 451 ▪ *Conclusion.* The Legislative Operating Committee should be informed that this declaration was
452 issued by the Nation’s COVID-19 Core Decision Making Team.

453 **C. *Boards, Committees and Commissions in Temporary Closure Status.*** On April 4, 2020, the Oneida
454 Business Committee adopted resolution BC-04-08-20-B titled, “*Placing Listed Boards, Committees,*
455 *and Commissions in Temporary Closure Status.*” Based on the Nation’s Public Health State of
456 Emergency and the necessity to enter into Tier V Budget Contingency measures through resolution
457 BC-04-08-20-C, the Oneida Business Committee reviewed the list of boards, committees and
458 commissions and determined that certain boards, committees, or commissions continuing to operate,
459 generating expenses would affect the overall financial status of the Nation, and therefore those entities
460 should be placed on temporary closure to preserve funding for necessary governmental services and
461 activities. This resolution places certain identified boards, committees, and commissions into temporary
462 closure for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year
463 2021, also identifies that posting of vacancies shall be discontinued for the remainder of Fiscal Year
464 2020 and during any continuing resolution for Fiscal Year 2021.

- 465 ▪ The boards, committees, and commissions of the Nation that were placed on temporary closure
466 include:
 - 467 ▪ Oneida Community Library Board;
 - 468 ▪ Oneida Environmental Resources Board;
 - 469 ▪ Oneida Nation Arts Board;
 - 470 ▪ Oneida Nation Veterans Affairs Committee;
 - 471 ▪ Oneida Personnel Commission;
 - 472 ▪ Oneida Pow Wow Committee;
 - 473 ▪ Pardon and Forgiveness Screening Committee;
 - 474 ▪ Southeast Wisconsin Oneida Tribal Social Services Advisory Board;
 - 475 ▪ Oneida Land Claims Commission; and

- 476 ▪ Oneida Nation Commission on Aging.
- 477 ▪ *Conclusion.* The Legislative Operating Committee should be informed that there are boards,
- 478 committees, and commissions that are currently in temporary closure status based on the financial
- 479 impacts of the COVID-19 pandemic.
- 480 **D. *Fiscal Impact.*** A fiscal impact statement of the proposed amendments to the Law has not yet been
- 481 requested. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation
- 482 except emergency legislation. [1 O.C. 109.6-1].
- 483 ▪ Oneida Business Committee resolution BC-09-25-19-A titled, “*Interpreting ‘Fiscal Impact*
- 484 *Statement’ in the Legislative Procedures Act,*” requires that when developing a fiscal impact
- 485 statement for the adoption of proposed legislation by the Oneida Business Committee the Finance
- 486 Department shall, within ten (10) business days of final approval of draft legislation by the
- 487 Legislative Operating Committee, provide a fiscal impact statement to the Legislative Operating
- 488 Committee.
- 489 ▪ *Conclusion.* The Legislative Operating Committee shall request, upon final approval of draft
- 490 legislation, a fiscal impact statement from the Finance Department.

491

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

105.1. Purpose and Policy
105.2. Adoption, Amendment, Repeal
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105.4. Creation of an Entity
105.5. Applications
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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~~ 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, ~~and BC-09-26-18-C~~ and 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 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)~~(h) "Direct report" means a position which requires direct contact and supervision by the Oneida Business Committee because of the position, the duties, or the services provided. Direct reports shall be identified by the Oneida Business Committee through resolution

~~(i)~~ "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.

~~(j)~~ "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.

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

~~(l)~~ "Nation" means the Oneida Nation.

~~(t)~~~~A~~m "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)~~o "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance

76 included in Schedules I through V, as defined by Section 812 of Title 21 of the United
77 States Code. This also includes prescription medication or over-the-counter medicine used
78 in an unauthorized or unlawful manner.

79 ~~(e)~~ ~~Ap~~ “Stipend” means the amount paid by the Oneida Nation to a person serving on
80 a board, committee, or commission of the Nation in order to compensate the individual for
81 his or her contribution of time, effort, and work for his or her board, committee, or
82 commission for the betterment of the Nation.

83 ~~(pq)~~ “Subcommittee” means a subgroup of an entity; which is comprised of fewer than all
84 members of the entity; which is designated one (1) or more specific responsibilities on
85 behalf of the entity.

86 ~~(qr)~~ “Substantiated complaint” means a complaint or allegation in a complaint that was
87 found to be valid by clear and convincing evidence.

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

92 ~~(st)~~ “Vacancy” means any position on any board, committee or commission caused by
93 resignation, end of term, removal, termination, or creation of a new position.

94 95 **105.4. Creation of an Entity**

96 105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida
97 Business Committee or General Tribal Council.

98 105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all
99 powers and responsibilities delegated to the entity.

100 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of
101 the entity.

102 103 **105.5. Applications**

104 105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of
105 the Nation. All application materials shall be available in the Business Committee Support Office
106 and any other location specified by the Business Committee Support Office.

107 (a) All applications shall include:

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

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

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

116 105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of
117 the deadline date.

118 105.5-3. Within eight (8) days after the posted deadline for filing applications, the Business
119 Committee Support Office shall notify all persons who have filed an application of the date his or

her application was received and if his or her application met the deadline to be considered for the election or appointment.

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

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

(a) ~~include within~~ The Business Committee Support Office shall notify the pool of appointed persons late applications, or

~~(b) repost~~ Oneida Business Committee if a position will be reposted for an additional time period.

(b) In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

(c) The Oneida Business Committee may elect to include within the pool of appointed persons late applications.

105.6. Vacancies

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

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

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

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

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

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

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

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

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

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

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

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

vacancies at the following times:

- (a) *End of Term.* Automatically sixty (60) days prior to completion of the term.
- (b) *Removal.* No later than the next Oneida Business Committee meeting following the effective date of the removal.
- (c) *Resignation.* No later than the next Oneida Business Committee meeting following the Business Committee Support Office's receipt of notice of an effective resignation from the entity.
- (d) *New Positions.* Upon one of the following conditions:
 - (1) if not specified, immediately upon creation of entity or adoption of bylaws, whichever is later, or
 - (2) upon date specified when creating the entity.
- (e) *Termination of appointment.* No later than the next Oneida Business Committee meeting following the effective date of the termination.

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; ~~or~~

- (3) if delays in compiling the applications, summary of qualifications, or results of any investigations exist, request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2).

- (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~~ submit to the Business Committee Support Office a recommendation to the Oneida Business Committee ~~a recommendation~~ of an applicant for appointment.

- (A) The recommendation shall be submitted to the Business Committee Support Office in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be

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

- 213 (1) ~~choose~~select an applicant for appointment, or
214 (2) ask the Oneida Nation's Secretary to re-notice the vacancy because of
215 ineligible, unqualified, or under qualified applicants.

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

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

- 223 (1) accept the selected applicant and vote to appoint the individual to the vacant
224 position, or
225 (2) reject the selected applicant and vote to oppose the appointment of the
226 individual.

227 (f) If the Oneida Business Committee rejects the selected applicant, the matter will be
228 deferred to the next Oneida Business Committee meeting where another applicant may be
229 recommended by the Oneida Business Committee, or the Oneida Business Committee may
230 direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all
231 applications from the first posting shall be considered to have been filed within the deadline
232 period.

233 105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida
234 Business Committee meeting, the Nation's Secretary shall notify all applicants of the final status
235 of their application.

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

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

246 105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an
247 entity by the Oneida Business Committee may decline the appointment.

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

- 249 (1) Delivery of ~~an~~a letter stating that the individual wishes to decline the
250 appointment to the Business Committee Support Office; or
251 (2) The failure to take the oath of office within thirty (30) days of being selected

for appointment by the Oneida Business Committee.

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

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

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

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

105.8. Election to an Entity

105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board, or ~~petition~~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: ~~A~~“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, ~~or at an alternate time and location as determined by the Secretary.~~ 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~~When taking an oath at an Oneida Business Committee meeting, 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 mustshall 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 mustshall 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 mustshall 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, 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 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 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.* Only the member of an entity shall respond 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 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 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.

(c) *Demonstrating Presence During a Meeting.* An entity shall demonstrate presence during an entire meeting by taking roll call on the record at both the beginning and conclusion of a meeting.

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

(1) The amount of the stipend a member is eligible to receive for attendance at a

conference or training shall be dependent on whether the member attended up to four (4) hours of a conference or training, or more than four (4) hours of a conference or training.

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

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

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

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

105.14. Confidential Information

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

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

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

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

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

105.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and ~~can~~shall 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~~shall be made in accordance with the Nation's laws and policies ~~regarding~~governing 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~~shall be taken by the Nation regarding the status of the official.

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

(a) political appointees;

(b) an employee of the Nation's Internal Audit Department, Finance Administration, Law Office, or Intergovernmental Affairs and Communications; and

(c) an employee who serves as a direct report to the Oneida Business Committee.

105.16. Use of the Nation's Assets

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

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

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

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

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

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

105.17. Dissolution of an Entity

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

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

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

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

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

105.18. Enforcement

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

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

End.

Adopted - BC-08-02-95-A

Amended - BC-05-14-97-F

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

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

Amended – BC-09-22-10-C

Amended – BC-09-26-18-C

Emergency Amended – BC-03-11-20-B

Emergency Amended – BC-03-17-20-C

Amended – BC- - - -

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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105.15. 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 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

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) "Direct report" means a position which requires direct contact and supervision by the Oneida Business Committee because of the position, the duties, or the services provided. Direct reports shall be identified by the Oneida Business Committee through resolution

(i) "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.

(j) "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.

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

(l) "Nation" means the Oneida Nation.

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

(n) "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.

(o) "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.

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

(q) “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.

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

(s) “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.

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

105.4. Creation of an Entity

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

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

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

105.5. Applications

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

(a) All applications shall include:

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

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

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

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

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

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

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

(a) The Business Committee Support Office shall notify the Oneida Business Committee if a position will be reposted for an additional time period.

(b) In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

(c) The Oneida Business Committee may elect to include within the pool of appointed persons late applications.

105.6. Vacancies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) upon date specified when creating the entity.

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

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; or

(3) if delays in compiling the applications, summary of qualifications, or results of any investigations exist, request additional time from the Oneida Business Committee to complete requirements of section 105.7-1(a)(1)-(2).

(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 review the application materials and submit to the Business Committee Support Office a recommendation to the Oneida Business Committee of an applicant for appointment.

(A) The recommendation shall be submitted to the Business Committee Support Office in accordance with the submission deadlines for the Oneida Business Committee meeting in which the appointment is intended to be made.

(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) select an applicant for appointment, or

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

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

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

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

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

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Oneida Business Committee, or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, 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 a 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, or at an alternate time and location as determined by the Secretary. 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) When taking an oath at an Oneida Business Committee meeting, the appointed or elected member shall appear in person 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 shall 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 shall 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 shall 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, 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 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 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.* Only the member of an entity shall respond 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 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 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 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 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.

(c) *Demonstrating Presence During a Meeting.* An entity shall demonstrate presence during an entire meeting by taking roll call on the record at both the beginning and conclusion of a meeting.

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 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 attending a conference or training, when attendance at the conference or training is required by law, bylaw or resolution.

(1) The amount of the stipend a member is eligible to receive for attendance at a conference or training shall be dependent on whether the member attended up to four (4) hours of a conference or training, or more than four (4) hours of a conference or training.

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

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

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

105.13-10. *Task Force and Ad Hoc Subcommittees.* Members of task force, ad hoc committees

and subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

105.14. Confidential Information

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

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

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

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

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

105.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and shall 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 shall be made in accordance with the Nation's laws and policies governing 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 shall 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;

(b) an employee of the Nation's Internal Audit Department, Finance Administration, Law Office, or Intergovernmental Affairs and Communications; and

(c) an employee who serves as a direct report to the Oneida Business Committee.

105.16. Use of the Nation's Assets

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

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

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

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

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

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.

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