



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Santiago, Legislative Reference Office, Senior Staff Attorney *CNS*
DATE: July 16, 2020
RE: Boards, Committees, and Commissions Law Amendments: Public Comment Review

A public comment period for the proposed amendments to the Boards, Committees, and Commissions law (“the Law”) was held open until July 9, 2020. A public meeting for the proposed amendments to this Law was not 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 allowed the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency was extended to August 11, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, and BC-07-08-20-A.

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. The “*Safer at Home*” declaration was modified to allow for gaming and golf operations to resume on April 21, 2020, through the “*Updated Safer at Home*” declaration and then modified again on May 19, 2020, through the “*Safer at Home Declaration, Amendment, Open for Business*” to allow businesses to re-open under certain safer business practices with social distancing practiced by all persons, but still directs that individuals continue to stay at home. On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration, Amendment, Open for Business*” while still providing guidance and some restrictions.

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.

Although the Nation’s COVID-19 Core Decision Making Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration suspended public meetings and therefore no public meeting was scheduled for the amendments to the Boards, Committees, and Commissions law, a public comment period was still held open until July 9, 2020, to allow members of the

community to provide written submissions of comments or questions to the Legislative Operating Committee through e-mail.

This memorandum is submitted as a review of the written comments received within the public meeting and public comment period. The public meeting draft and written comments received are attached to this memorandum for review.

Comments 1 through 2 – Reposting for Insufficient Applications:

105.5. Applications

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.

[Public Meeting Notice stated “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.”]

Brooke Doxtator (written): Lines 126-135 – Would like to see these amendments become permanent as it will make the process more efficient.

Richard Baird (written): 1. It seem to me that's the the way that worked anyway. If there were no applications or only one application then there would be insufficient persons to choose from. Too many times I've seen an only candidate chosen only to resign.

Response

Both commenters express support for the proposed amendment in section 105.5-5 to allow the Business Committee Support Office to repost a vacancy for an additional time period when insufficient applications are received, in an effort to make the appointment process more efficient. The Legislative Operating Committee is proposing that this amendment be considered by the Oneida Business Committee for permanent adoption. Therefore, there is no recommended revision based on these comments.

LOC Consideration

The Legislative Operating Committee believes that the proposed amendment in section 105.5-5 to allow the Business Committee Support Office to repost a vacancy for an additional time period when insufficient applications are received will make the appointment process more efficient. The Legislative Operating Committee discussed that the Law should be clarified to describe what

amount of applications received qualifies as “insufficient applications” so that the Business Committee Support Office will have more guidance as to when they would be expected to repost. The Legislative Operating Committee wants to ensure consistency when reposting a vacancy for insufficient applications.

The Legislative Operating Committee directed that the following amendment be made to the Law to clarify what qualifies as insufficient applicants:

105.5. Applications

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) If the number of applicants is equal to or less than the number of vacancies then it shall be determined to be an insufficient number of applicants.
- (ab) The Business Committee Support Office shall notify the Oneida Business Committee if a position will be reposted for an additional time period.
- (bc) In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.
- (ed) The Oneida Business Committee may elect to include within the pool of appointed persons late applications.

Comments 3 through 4 – Timelines for Appointment Selection Process:

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).**

[Public Meeting Notice stated “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.”]

Brooke Doxtator (written): Lines 195-197 – Would like to see these amendments become permanent as situations have arisen where we weren't able to meet the deadline due to factors that were outside our control.

Richard Baird (written): 2. I don't have a problem with the support office requesting more time. Once the applications go up to the office, and a candidate is not chosen due to background check or other reason, the support staff is charged with notifying the entity the reason a candidate has not been selected for whatever reason.

Response

Both commenters express support for the proposed amendment in section 105.7-1(a)(3) to allow the Business Committee Support Office to request additional time from the Oneida Business Committee to complete processing and delivering applications if delays in compiling the applications, summary of qualifications, or results of any investigations exist. Additionally, it was pointed out that requesting additional time to process applications should be permissible because section 105.7-2 of the Law requires the Nation's Secretary to notify all applicants of the final status of their application once the Oneida Business Committee selects an individual for appointment.

The Legislative Operating Committee is proposing that this amendment be considered by the Oneida Business Committee. Therefore, there is no recommended revision based on this comment.

LOC Consideration

The Legislative Operating Committee determined there was no revision to the Law needed based on this comment.

Comment 5 – Timeframe for Entity Chair to Submit Recommendation:

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:

(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.

[Public Meeting Notice stated "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."]

Richard Baird (written): 3. The Chair has the responsibility to chose a candidate and should do expeditiously, in order for the entity to continue to conduct business. Sometime an entity doesn't have a quorum due to insufficient members, so its imperative that the Chair act quickly to fill vacancies.

Response

The commenter expresses that the Chairperson of a board, committee, or commission has the responsibility to choose a candidate to fill a vacancy, and that the vacancy should be filled quickly to ensure there is no loss of quorum. Although it is true that a vacancy should be filled as expeditiously as possible, the commenter's statements are not completely accurate as to where the responsibility of filling a vacancy lies within the appointment process.

The Law provides the process that shall be used when making an appointment to fill a vacancy on a board, committee, or commission. The Oneida Business Committee is the body that is given the responsibility to make appointments to a board, committee, or commission of the Nation. [1 O.C. 105.7-1]. Although the Chairperson of the entity does not select the applicant, the Chairperson does have an opportunity to provide the Oneida Business Committee with a recommendation. The Chairperson of an entity is provided a copy of all applications, along with a summary of qualifications to hold office, and the results of the background investigation if required. [1 O.C. 105.7-1(a)(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. [1 O.C. 105.7-1(b)(1)]. The Chairperson is required to submit his or her recommendation 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)]. The deadline for submitting a recommendation ensures that input from the Chairperson is received as expeditiously as possible as to not slow down the appointment process. Then the Oneida Business Committee is required to 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. [1 O.C. 105.7-1(c)]. After completing a thorough discussion, the Oneida Business Committee then moves into open session to formally select an applicant for appointment, or re-notice the vacancy because of ineligible, unqualified, or under qualified applicants. [1 O.C. 105.7-1(c)(1)-(2)].

In an effort to avoid a discontinuation of business or a loss of quorum for an entity due to a vacancy, at the end of an member's term the Law allows a member of the entity to remain in office until the member's successor has been sworn in by the Oneida Business Committee. [1 O.C. 105.6-2(a)(1)].

There is no revision to the Law recommended based on this comment.

LOC Consideration

The Legislative Operating Committee discussed the role of a recommendation by an entity's Chairperson during the appointment process. Some members of the Legislative Operating Committee had concerns that having the Law specifically state that the Chairperson can make a

recommendation could be confusing and misleading for entities, since they want the Law to be clear that it is the Oneida Business Committee that actually selects an applicant, and questioned whether this provision should be removed from the Law.

After much discussion, the Legislative Operating Committee determined that this provision should remain in the Law. The Law provides that the entity's Chairperson *may* submit a recommendation to the Oneida Business Committee of an applicant for appointment. [1 O.C. 105.7-1(b)(1)]. The use of the term "may" in the Law means that the Chairperson of an entity has the option of submitting this recommendation, it is not a requirement. If a Chairperson provides a recommendation, then the Oneida Business Committee uses the recommendation as a tool and source of information when making a decision as to which applicant to select. But the Law is clear that it is the Oneida Business Committee that actually selects an applicant for appointment after a full and complete discussion of the merits and qualifications of the potential applicants, and any recommendation made by the Chairperson of the entity. [1 O.C. 105.7-1(c)(1)].

The Legislative Operating Committee determined that there is no revision to the Law needed based on this comment.

Comment 6 – Joint Authority to Fill a Vacancy:

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:

(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.

Brent Truttmann (written): Section 105.7-1 (d) of the BCC Law states that the Oneida Business Committee appoints the individual to fill the vacancy of an elected or appointed boards, committee, or commission (after an application process listed in earlier sections). The BCC Law does not guarantee the actual board, committee, or commission with the vacancy will have any input in this process. This lack of guarantee is concerning. While I understand the Oneida Business Committee may have sweeping understanding of all BCCs through their BC Liaisons, the individual board, committee, and commissions have a much or intimate knowledge of their responsibilities and needs. Therefore, the individual board, committee and commission would have an intimate understanding of what to look for in applicants of a vacancy. If there is concern for a conflict of interest, the same concern could be raised to the Oneida Business Committee when appointing an individual to a vacant position as their appointment may be self-serving to the Oneida Business Committee without consideration to the board, committee, or commission with said vacancy. Therefore I recommend the BCC Law to include the board, committee, or commission with the vacancy in the appointment process. Preferably, the appointment to fulfill a vacancy should be decided jointly between both the Oneida Business Committee and the entity with a vacancy.

Response

The commenter requests that the Legislative Operating Committee consider amending the Law so that the Oneida Business Committee shares the responsibility of selecting an applicant to fill a vacancy with the entity that the vacancy is on.

It is the policy of the Nation to have consistent and standard procedures for choosing and appointing the most qualified persons to boards, committees and commissions. [1 O.C. 105.1-1]. An appointed member of a board, committee, or commission serves at the discretion of the Oneida Business Committee. [1 O.C. 105.7-4]. Therefore, it is the Oneida Business Committee who has the authority to select an applicant for an appointment, just as it is the Oneida Business Committee who has the authority to terminate the appointment of a member. [1 O.C. 105.1-7(c), 105.7-4]. Delegating the authority to select an applicant for an appointment to one body, the Oneida Business Committee, instead of having it shared amongst nearly twenty (20) bodies helps ensure consistent and standard procedures for appointing a person to a board, committee, or commission.

Although the decision as to which applicant to select to fill a vacancy is not shared with the entity, the Chairperson of an entity may provide the Oneida Business Committee with a recommendation that the Oneida Business Committee may use in the consideration of the applicants before a selection decision is made. [1 O.C. 105.7-1(b)(1), 105.7-1(c)].

There is no revision to the Law recommended based on this comment.

LOC Consideration

The Legislative Operating Committee determined that there is no revision to the Law needed based on this comment, since boards, committees, and commissions do have an opportunity to have its voice heard through the submission of a recommendation to the Oneida Business Committee.

Comment 7 – Failure to Take Oath of Office During Designated Timeframe:

105.7. Appointment to an Entity

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.**

Brooke Doxtator (written): *Lines 251-252 – After working with this process we found that 30 days isn't sufficient, months that have 5 weeks and meetings being cancelled often put us out of this window for administering oaths. Could this be updated to something like “The failure to take the oath of office within two (2) regular Oneida Business Committee meetings of being selected for appointment by the Oneida Business Committee.”

Response

The commenter states that the thirty (30) day timeframe provided for in section 105.7-3(a)(2) for an individual to take the oath of office before it is considered that the individual declined the appointment is not an sufficient amount of time. The commenter explains that situations have arose where the Business Committee Support Office faced administering the oath outside that timeframe due to the insufficient amount of time provided by this deadline.

The Legislative Operating Committee was aware of the Business Committee Support Office's concern about the insufficient amount of time provided by the thirty (30) day timeframe provided for in section 105.7-3(a)(2) when developing the proposed amendments to the Law. Previously, the oaths of office were required to be taken at an Oneida Business Committee meeting, which only provided for one (1) or two (2) opportunities for an oath to be taken within thirty (30) days, depending on how many weeks were in the month, or if any Oneida Business Committee meetings were canceled. In the proposed amendments to the Law, the Legislative Operating Committee wanted to provide more flexibility and opportunities for an oath of office to be taken by providing that an oath of office can be taken during a regular or special Oneida Business Committee meeting, or at an alternative time and location as determined by the Secretary. [1 O.C. 105.9-1]. The Secretary can also grant permission for an individual to appear by videoconferencing equipment at an Oneida Business Committee meeting to take an oath. [1 O.C. 105.9-1(a)].

With the added flexibility of allowing an oath of office to occur at an alternative time and location other than an Oneida Business Committee meeting at the discretion of the Secretary, the Legislative Operating Committee intended that the thirty (30) day timeframe remain in place but now be a sufficient amount of time to ensure that a person has the opportunity to take his or her oath of office.

The Legislative Operating Committee may choose to reconsider the thirty (30) day timeframe provided by section 105.7-3(a)(2). The Legislative Operating Committee may make one of the following determinations:

1. The Law should remain as currently drafted and section 105.7-3(a)(2) shall provide that failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee shall constitute a declination of appointment.
2. The Law should be revised so that the thirty (30) day timeframe provided in section 105-7-3(a)(2) is increased in some manner. If the Legislative Operating Committee makes this determination then a decision as to the amount of time for this timeframe should be made, and the following revision to the Law is recommended:

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~~ (add timeframe) of being selected for appointment by the Oneida Business Committee.

LOC Consideration

The Legislative Operating Committee determined that the Law should remain as currently drafted and section 105.7-3(a)(2) shall provide that failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee shall constitute a declination of appointment, due to the fact that more flexibility was added in section 105.9-1 to allow for an oath of office to be taken outside of an Oneida Business Committee meeting.

When discussing the fact that an oath of office could be taken at an alternative time and location other than an Oneida Business Committee meeting at the discretion of the Secretary, the Legislative Operating Committee still wanted to ensure that a quorum of the Oneida Business Committee was present to witness the oath. The Legislative Operating Committee therefore directed that the following revision be made to the Law:

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~~ alternative 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.

(b) If an oath is administered outside of an Oneida Business Committee meeting, a quorum of Oneida Business Committee members shall be present to witness the oath.

Comment 8 – Requirement to be Physically Present When Taking an Oath:

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.

Brooke Doxtator (written): Line 288-291 – 105.9 (a) When taking an oath ~~1.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 ~~2.video conferencing equipment~~.

1. Delete, on line 284 it says they can take their oath at an alternate time and location
2. Replace with - through videoconferencing, or through other telecommunications.

Response

The commenter requests that section 105.9-1(a) be revised to remove the reference to the oath occurring at an Oneida Business Committee meeting since section 105.9-1 allows for the oath to be taken at an alternative time and location as determined by the Secretary. The commenter also requests that section 105.9-1(a) include a reference to other telecommunications in addition to videoconferencing.

The following revision to the Law is recommended based on this comment to better clarify this provision of the Law:

105.9-1(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~~ through video conferencing, ~~equipment or~~ through other telecommunications.

LOC Consideration

The Legislative Operating Committee agreed that the following revision should be made to the Law to provide more clarification on how an oath of office may be administered:

105.9-1(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~~ through video conferencing, ~~equipment or~~ through other telecommunications.

The Legislative Operating Committee understands that the Oneida Business Committee or other boards, committees, and commissions may use teleconferencing through Microsoft Teams to conduct meetings during the COVID-19 pandemic. The Legislative Operating Committee intends for this provision to allow for an oath of office to be taken through Microsoft Teams or other telecommunications if necessary due to the pandemic.

Comment 9 – Location for Oath of Office:

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.

[Public Meeting Notice stated “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.”]

Richard Baird (written): 4. The oath of office is usually done by the Secretary, so it could be done in the Secretaries office anytime. No need to have it done at a BC meeting.

Response

The commenter expresses support for the oath of office to be completed at an alternate time and location than an Oneida Business Committee meeting. Previously, the Law required that an oath of office be taken at a regular or special Oneida Business Committee meeting. The proposed amendments to the Law allow for an oath of office to be taken at 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]. This provides more flexibility as to where and when an oath of office can be taken to make it more convenient for the member who has to take the oath. Therefore, there is no revision to the Law recommended based on this comment.

LOC Consideration

The Legislative Operating Committee intended that the amendment to section 105.9-1 of the Law to allow for the oath of office to be taken outside of an Oneida Business Committee meeting will provide more flexibility and convenience for members who take an oath. The Legislative Operating Committee determined there is no recommended revision based on this comment.

Comment 10 – Budgetary Sign Off Authority for Boards, Committees, and Commissions:

105.10. Bylaws

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

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

(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.

Patrick Stensloff (written): Nearly all of the areas within the Nation are following the automated purchasing process. The areas which report to boards, committees or commissions are following the manual paper order form procurement process. It is the goal of the Purchasing Department to automate procurement activity for all areas within the Nation. Automating the procurement activity for all areas will provide a consistent procurement process throughout the Nation that results in process efficiencies and automated authorizations.

Areas reporting to boards, committees, and commissions are following the manual procurement process because the authorizing members are not employees. Non-employees are not granted access to the Financial System. In addition, some authorizing members of boards, committees or commissions could be performing procurement activity as an employee of the Nation. Adding the approving ability to current users could pose issues with internal controls.

The Purchasing Department is respectfully inquiring about a change in the sign off authority practices for boards, committees and commissions when it pertains to purchasing. This change would eliminate members of boards, committees, or commissions from the automated sign off for purchases. Additionally, the sign off authority for purchases would include employees at the business unit level and route through the Treasurer and Finance Committee accordingly. The BCC supervisor could also be incorporated into the sign off authority if needed.

It is desired to have this change in sign off for purchases encompass all boards, committees and commissions. However, there are some boards, committees and commissions that do not purchase much if anything at all. On the other end of the spectrum, the volume of purchases for the Schools is high.

Brooke Doxtator (written): I was asked to reach out to you in regards to adding an amendment to the BCC law that would require the BCC's to approve purchases in their meetings but the BCC Staff would have the final Sign Off Authority (SOA) to add more checks and balances. I included Patrick Stensloff from Purchasing on this email in case he has any comments/feedback to provide regarding the SOA levels. I included our hierarchy below for reference.

BCSO Area Manager

BCC Supervisor

BCC Clerk

If you have any questions, please let me know.

Response

The commenters are requesting that the Legislative Operating Committee consider revising the procurement process and sign off authority for boards, committees, and commissions. The commenters request that boards, committees, and commissions follow the automated purchasing process instead of the manual paper order form procurement process that they currently use. In order to achieve access to the automated purchasing process the official sign-off authority practices for boards, committees, and commissions would have to be changed so that it is an employee of the Nation – and it recommended that the employee be within the Business Committee Support Office- and not member of an entity that has the official sign off authority.

The Legislative Operating Committee may consider whether budgetary sign off authority for boards, committees, and commissions should be adjusted so that official sign off authority lies with the Business Committee Support Office so that the automated procurement process can be utilized. The Legislative Operating Committee may make one of the following determinations:

1. The Law should remain as currently drafted and require that the bylaws of an entity provide for the entity's varying levels of budgetary sign off authority and the members that are authorized to sign off on each level.
2. The Law should be revised to require that an entity describe in its bylaws how purchases will be formally approved, but that official budgetary sign off authority for the entity lies with the Business Committee Support Office so that the automated procurement process can be utilized. If the Legislative Operating Committee makes this determination then the following revision to the Law is recommended:

105.10. Bylaws

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

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

(6) ~~*Budgetary Sign Off Authority*~~ Purchases 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~~ approve purchases or travel on behalf of the entity.

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

(B) Upon formal approval of a purchase by an entity, the Business Committee Support Office shall have official budgetary sign off authority for the entity.

(C) 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.

LOC Consideration

The Legislative Operating Committee determined that the Law should be amended to require that an entity describe in its bylaws how purchases will be formally approved, but that official budgetary sign off authority for the entity lies with the Business Committee Support Office so that the automated procurement process can be utilized. The Legislative Operating Committee directed that the following revision be made to the Law based on this comment:

105.10. Bylaws

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

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

(6) ~~*Budgetary Sign Off Authority*~~ Purchases 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~~ approve purchases or travel on behalf of the entity.

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

(B) Upon formal approval of a purchase by an entity, the Business Committee Support Office shall have official budgetary sign off authority for the entity.

(C) 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.

Comment 11 – Responding to an E-Poll:

105.11. Electronic Polling

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.

[Public Meeting Notice stated “5. Clarify that only a member of an entity shall respond to e-polls.”]

Richard Baird (written): 5. Absolutely! No one but the member should be voting.

Response

The commenter expresses support for the proposed amendment to section 105.11-3 which clarifies that only a member of the entity shall respond to an e-poll. Therefore, there is no recommended revision based on this comment.

LOC Consideration

The Legislative Operating Committee determined there was no revision to the Law needed based on this comment.

Comments 12 through 13 – Stipend Eligibility Based on Presence During Meeting:

105.13. Stipends, Reimbursement and Compensation

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.

[Public Meeting Notice stated “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.”]

Brooke Doxtator (written): Line 568 - in the current law approved 3/17/20 "present for the entire meeting." was removed. Would like to see this line added back in. As we had members that were not present for entire meeting trying to collect stipends.

Richard Baird (written): 6. No problem. Just make sure the members are present by some means and there should be a way to confirm that they were. When you're paying a stipend someone needs to be held accountable to insure everyone who said they were present actually were.

Response

Both commenters express support for the amendments to the Law in section 105.13-3 and 105.13-4 to 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. The requirement for a member of a board, committee, or commission to be present for an entire meeting in order to be eligible for a stipend was removed in the emergency amendments adopted through resolution BC-03-17-20-C. The commenters state that the presence requirement should be included in the permanent amendments as the Business Committee Support Office has had to address members that were not present for an entire meeting but still sought stipends, and the Law should provide some way to ensure the member was present during the meeting since accountability is important when a member is receiving a stipend.

This Law requires that in order for a member of a board, committee, or commission to be eligible to receive a meeting stipend for a regular or emergency meeting a quorum must be established in accordance with the duly adopted bylaws of that entity, the meeting has to last for at least one (1) hour, and the member collecting the stipend has to be present for the entire meeting. [1 O.C.105.13-3]. Although presence for the entire meeting is required, the Law no longer requires that the member be *physically* present because meetings may occur by telephone, through videoconferencing, or through other telecommunications in addition to meetings held in person. [1 O.C. 105.13-3]. An entity shall demonstrate the presence of its members during a meeting by taking roll call on the record at both the beginning and conclusion of a meeting. [1 O.C. 105.13-3(c)].

The proposed amendments to the Law require that a member be present for the entirety of a meeting in order to be eligible for a stipend, and provides a mechanism for demonstrating presence, so there is no recommended revision based on this comment.

LOC Consideration

The Legislative Operating Committee determined that there is no revision to the Law needed based on this comment.

Comments 14 through 15 – Use of Telecommunications for Meetings:

105.13. Stipends, Reimbursement and Compensation

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.

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.

[Public Meeting Notice stated “7. Provide that meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications.”]

Brooke Doxtator (written): Lines 568-569 - Would like to see this become permanent so the members have options to meet especially given the current circumstances.

Richard Baird (written): 7. No problem. Accountability, same No. 6.

Response

Both commenters express support for the proposed amendment in section 105.13-3 to allow for meetings to occur in person, by telephone, through videoconferencing, or through other telecommunications. Therefore, there is no recommended revision based on this comment.

LOC Consideration

The Legislative Operating Committee determined that there is no revision to the Law needed based on this comment.

Comment 16 – Technical Difficulties with Use of Telecommunications for Meetings:

105.13. Stipends, Reimbursement and Compensation

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.

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.

Brent Truttmann (written): Greetings Legislative Operating Committee (LOC) and Legislative Reference Office (LRO). As an eligible voting member of the General Tribal Council, please consider and implement the following suggestions to the proposed amendments to the Boards, Committees, and Commissions (BCC) Law:

Section 105.13-2 of the proposed amendments allows meetings held through video conferencing or other means of telecommunications stipend eligible as long as the meeting lasts for at least 1 hour and for the participant to be present for the full meeting. As an employee of the Oneida Nation, I have experienced technical difficulties when hosting these types of meetings. On multiple occasions participants of a video teleconference meeting were dropped from the call, and they had to re-log into the meeting. There is concern that these instances may disqualify participating members from a stipend through no fault of their own based on the current proposed language.

I request the LOC to include additional language to section 105.13-2 to accommodate for the technological limitations of video/teleconference meetings. For example, if a video/teleconference meeting is held, a stipulation that all members need to be logged onto the conference call for 95% of the full meeting to be eligible for a stipend may guarantee that all participants are present for the bulk of the meeting while accommodating for technical glitches.

Response

The commenter requests the Legislative Operating Committee consider amending the Law to address how technological problems will be addressed if meetings are held through video conferencing or other telecommunications. The commenter expresses concern that if a member experiences technical issues that caused the member not to be present for the entire meeting, then the member would be barred from receiving a meeting stipend, even if the member was present for majority of the meeting.

The Law allows for meetings to occur in person, by telephone, through videoconferencing, or through other telecommunications. [1 O.C. 105.13-3, 105. 13-4]. In order to be eligible for a stipend for attendance and participation in a meeting the member must be present for the entire meeting. [1 O.C. 105.13-3, 105. 13-4].

As boards, committees, and commissions transition into using video conferencing or other telecommunications as a result of the COVID-19 pandemic, it is understandable that technological problems may arise. It is recommended that the following revision be added to the Law to allow for technological problems to be addressed.

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.

(d) *Technological Issues Affecting Presence During a Meeting.* If a member of an entity experiences technological issues during a regular or emergency meeting held by telephone.

through videoconferencing, or through other telecommunications, and the technological issue disrupts the member's presence during the meeting, the member shall notify the Business Committee Support Office of the technical issue as soon as possible. The Business Committee Support Office may grant an exemption to the requirement to be present for the entire meeting if the member can demonstrate presence for a majority of the 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).

(b) *Technological Issues Affecting Presence During a Joint Meeting.* If a member of an entity experiences technological issues during a joint meeting, and the technological issue disrupts the member's presence during the meeting, the member shall notify the Business Committee Support Office of the technical issue as soon as possible. The Business Committee Support Office may grant an exemption to the requirement to be present for the entire joint meeting if the member can demonstrate presence for a majority of the joint meeting.

LOC Consideration

The Legislative Operating Committee understands that as boards, committees, and commissions transition into using video conferencing or other telecommunications as a result of the COVID-19 pandemic, technological problems may arise. The Legislative Operating Committee wants to provide flexibility to members of a board, committee, and commission who substantially comply with the requirement to be present during an entire meeting but had an issue with technology that disrupted their presence. The Legislative Operating Committee directed that the following amendment be added to the Law to allow for technological problems to be addressed:

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.

(d) *Technological Issues Affecting Presence During a Meeting.* If a member of an entity experiences a technological issue during a regular or emergency meeting held by telephone,

through videoconferencing, or through other telecommunications, and the technological issue disrupts the member's presence during the meeting, the member shall notify the entity of the technological issue as soon as possible.

(1) An exemption to the stipend eligibility requirement to be present for the entire meeting may be granted if the entity certifies by a majority vote that the member was present for a majority of the meeting despite the technological issue which disrupted the member's presence during the 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).

(b) Technological Issues Affecting Presence During a Joint Meeting. If a member of an entity experiences a technological issue during a joint meeting held by telephone, through videoconferencing, or through other telecommunications, and the technological issue disrupts the member's presence during the joint meeting, the member shall notify the entity of the technological issue as soon as possible.

(1) An exemption to the stipend eligibility requirement to be present for the entire joint meeting may be granted if the entity certifies by a majority vote that the member was present for a majority of the joint meeting despite the technological issue which disrupted the member's presence during the joint meeting.

Comment 17 – Limitation of Meeting and Joint Meeting Stipends Per Year:

105.13. Stipends, Reimbursement and Compensation

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.

Brooke Doxtator (written): Lines 571 and 573 – Could this read per fiscal year? This is our current practice because the stipends are easier to track and report when they are on the same cycle as the budget.

Response

The commenter requests that section 105.1303(a)-(b) provide that the limitation on the number of stipends per year be clarified to state fiscal year so that the allocation of stipends is on the same cycle as the budget.

The following revision to the Law is recommended based on this comment:
105.13-3.

- (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 fiscal 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 fiscal year.

LOC Consideration

The Legislative Operating Committee determined that section 105.13-3 should be clarified to provide that the limitation on the number of stipends a member of an entity is eligible to receive is per fiscal year. The Legislative Operating Committee directed the following revision be made to the Law:

105.13-3.

- (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 fiscal 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 fiscal year.

Comment 18 – Stipend Eligibility Based on Presence During Joint Meeting:

105.13. Stipends, Reimbursement and Compensation

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).

Brooke Doxtator (written): Lines 580-581 - in the current law approved 3/17/20 "present for the entire meeting." was removed. Would like to see this line added back in. As we had members that were not present for entire meeting trying to collect stipends.

Response

The commenter provides that the requirement for a member of a board, committee, or commission to be present for an entire joint meeting in order to be eligible for a stipend, which was removed in the emergency amendments adopted through resolution BC-03-17-20-C, should be included in

the permanent amendments as the Business Committee Support Office has had to address members that were not present for an entire joint meeting but still sought stipends.

This Law requires that in order for a member of a board, committee, or commission to be eligible to receive a stipend for joint meeting with the Oneida Business Committee a quorum must be established in accordance with the duly adopted bylaws of that entity, the meeting has to last for at least one (1) hour, and the member collecting the stipend has to be present for the entire meeting. [1 O.C.105.13-4]. Although presence for the entire joint meeting is required, the Law no longer requires that the member be *physically* present because meetings may occur by telephone, through videoconferencing, or through other telecommunications in addition to meetings held in person. [1 O.C. 105.13-4].

The proposed amendments to the Law already require that a member of a board, committee, or commission be present for the entirety of a joint meeting in order to be eligible for a stipend, but it is recommended that a provision which mirrors section 105.13-3(c) be added to section 105.13-4 to provide specifications for how an entity shall demonstrate the presence of its members during a joint meeting. It is recommended that the following revision be made to the Law based on this comment:

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).

(b) *Demonstrating Presence During a Joint Meeting.* An entity shall demonstrate the presence of its members during for the entirety of a joint meeting by taking roll call on the record at both the beginning and conclusion of a joint meeting.

LOC Consideration

The Legislative Operating Committee determined that a provision be added to the Law that clarifies how a member of an entity can demonstrate presence during a joint meeting. The Legislative Operating Committee directed that the following revision be made to the Law:

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).

(b) *Demonstrating Presence During a Joint Meeting.* An entity shall demonstrate the

presence of its members during a joint meeting by taking roll call on the record at both the beginning and conclusion of a joint meeting.

Comment 19 – Standardizing Meeting Stipends:

105.13. Stipends, Reimbursement and Compensation

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.

[Public Meeting Notice stated “8. Revise and clarify how the limitation on meeting stipend is calculated, as well as how stipends for conferences and trainings are determined.”]

Richard Baird (written): 8. I don't know why the BC has never standardized the meeting stipend across the board. It shouldn't be about the stipend, it should be about conducting the Nation's business because you have an interest in participating and helping to move the Nation forward.

Response

The commenter states a lack of understanding on why the Oneida Business Committee has never standardized meeting stipends across the board for all boards, committees, and commissions of the Nation. He also states that participation on a board, committee, or commission of the Nation should be about an interest in conducting the Nation's business and helping to move the Nation forward, and not about a stipend.

The Law provides that the Oneida Business Committee shall set stipend amounts by resolution. *[1 O.C. 105.13-2]*. The Oneida Business Committee adopted resolution BC-09-26-18-D, which was amended by resolutions BC-05-08-19-B and BC-03-17-20-D, to set forth specific dollar amounts for stipends members of a board, committee, or commission may be eligible for.

In regard to meeting stipends, a member is eligible to collect a meeting stipend when a quorum has been established for the meeting, the meeting lasts for at least one (1) hour, and the member

collecting the stipend is present for the entire meeting. [1 O.C. 105.13-3]. Resolution BC-03-17-20-D standardizes the specific meeting stipend amount a member of a board, committee, or commission is eligible to receive based on whether the member is a part of an appointed or an elected entity. Resolution BC-03-17-20-D provides that a member of an appointed entity is eligible to receive a seventy-five dollar (\$75) stipend for attendance at a duly called meeting, while a member of an elected entity is eligible to receive a one hundred dollar (\$100) stipend for attendance at a duly called meeting.

Although stipends are not standardized completely amongst all boards, committees, and commissions, resolution BC-03-17-20-D does provide specific stipend amounts that members of boards, committees, and commissions are eligible to receive. The Law also requires that that Oneida Business Committee periodically review the amounts provided for stipends and, based on the availability of funds, adjust those amounts accordingly by amending the resolution. [1 O.C. 105.13-2]. Therefore, there is no revision to the Law recommended based on this comment.

LOC Consideration

The Legislative Operating Committee determined that there was no revision to the Law needed based on this comment.

Comment 20 – Exemption for E-mail Requirement:

105.14. Confidential Information

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.

Brooke Doxtator (written): 105.14-3 Official Oneida Nation E-mail Address. 1. Can we make alternates and ad hoc's an exception to this rule? It says "Each member of an entity" so maybe they already are exempt but I wanted to comment on it because the time, effort and resources needed to assign them an "official" email is not really feasible for their use.

Response

The commenter requests that the Legislative Operating Committee consider making alternates and ad hoc members of a board, committee, or commission exempt from the requirement to have an official Oneida e-mail address due to the amount of the time, effort, and resources needed to assign ad hoc or alternate members an official e-mail address.

The Law requires that each member of an entity be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically. [1 O.C. 105.14-3]. A member of an entity is prohibited from using a personal or work e-mail address to electronically conduct any business of the entity. [1 O.C. 105.14-3(c)]. Immediately upon notice of a vacancy in an entity, the Nation's Secretary is required to instruct the Management Information Systems department to disable the e-mail address for the member having vacated the position. [1 O.C. 105.14-3(d)]. Requiring all members of a board, committee, or commission to be provided an e-mail address ensures there is a consistent method of communication with all members of boards, committees, and commissions. The use of an official e-mail address also helps ensure that the work of the board, committee, or commission – such as any discussions, sharing of documents, or e-polls- remains confidential and separate from an individual's work or personal accounts.

The Law requires that all members of an entity maintain in a confidential manner all information obtained through their position on the entity, and that confidential information is 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. [1 O.C. 105.14-1].

The Legislative Operating Committee may consider whether alternates or ad hoc members of a board, committee, or commission should be subject to the requirement to be provided an official Oneida e-mail address. If an ad hoc or alternate to a board, committee, or commission serves a short-term purpose or is not expected to conduct business electronically then it may be a poor utilization of time, resources, and e-mail address license usage to assign an e-mail address to the alternate or ad hoc member. But if the alternate or ad hoc member is required to conduct business electronically or may serve a long-term purpose then the use of an official e-mail address may be necessary to ensure a consistent form of communication and encourage confidentiality.

The Legislative Operating Committee may make one of the following determinations:

1. The Law should remain as currently drafted and all members 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. [1 O.C. 105.14-3].
2. The Law should be revised to provide an exemption for alternate and ad hoc members of a board, committee, and commission, from the requirement to be provided an official e-mail address. If the Legislative Operating Committee makes this determination then the following revision to the Law is recommended:
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) An individual who holds a position as an ad hoc or alternate member of an entity shall be exempt from the requirement to be provided an official e-mail address, unless determined that an e-mail address is necessary for the role and responsibilities of the ad hoc or alternate member.

(bc) 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.

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

(de) 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.

LOC Consideration

The Legislative Operating Committee determined that the Law should be revised to provide an exemption for alternate and ad hoc members of a board, committee, and commission, from the requirement to be provided an official e-mail address. The Legislative Operating Committee directed that the following amendment to the Law be made:

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) An individual who holds a position as an ad hoc or alternate member of an entity shall be exempt from the requirement to be provided an official e-mail address, unless determined that an e-mail address is necessary for the role and responsibilities of the ad hoc or alternate member.

(bc) 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.

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

(de) 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.

Comment 21 – Consequences for Not Utilizing E-mail Account:

105.14. Confidential Information

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.

Brooke Doxtator (written): 105.14-3 Official Oneida Nation E-mail Address. 2. Can we give them a timeframe to activate the account or a consequence happens? Time and effort are being put into this only for the members to not activate and/or use their accounts.

Response

The commenter requests that the Legislative Operating Committee consider including a timeframe for when an elected or appointed member of an entity has to activate the e-mail account, because currently the Business Committee Support Office faces the challenge of members not activating or using their accounts.

The goal of requiring an official e-mail address to be provided to every member of a board, committee, or commission of the Nation is to ensure there is a consistent communication method for members, and to encourage and ensure confidentiality when conducting business electronically. Neither measure can be met if a member of a board, committee, or commission does not activate or use his or her official e-mail address.

The Legislative Operating Committee may consider whether the Law should provide a timeframe for a member of a board, committee, or commission to activate his or her official e-mail account. The Legislative Operating Committee may make one of the following determinations:

1. The Law should remain as currently drafted and not address a timeframe for a member of a board, committee, or commission to activate his or her official e-mail account.
2. The Law should be revised to include a timeframe for a member of a board, committee, or commission to activate his or her official e-mail account. If the Legislative Operating Committee makes this determination then the following revision to the Law is recommended.

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 have (timeframe) upon election or appointment to an entity to activate his or her official e-mail address.

(bc) 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.

(e~~d~~) A member of an entity shall exclusively use his or her official e-mail address to electronically conduct any business of the entity, and shall not use ~~any~~ personal or work e-mail address to electronically conduct any business of the entity.

(d~~e~~) 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.

LOC Consideration

The Legislative Operating Committee determined that the Law should be revised to include a timeframe for a member of a board, committee, or commission to activate his or her official e-mail account. The Legislative Operating Committee based this decision on the importance of having a consistent communication method for members of boards, committees, and commissions, and to encourage and ensure confidentiality when members are conducting business electronically.

The Legislative Operating Committee directed that the following amendment to the Law be made based on this comment:

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 have thirty (30) days upon election or appointment to an entity to activate his or her official e-mail address.

(b~~c~~) 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.

(e~~d~~) A member of an entity shall exclusively use his or her official e-mail address to electronically conduct any business of the entity, and shall not use ~~any~~ personal or work e-mail address to electronically conduct any business of the entity.

(d~~e~~) 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.

Comment 22 – Email Address Provided by the Nation:

105.14. Confidential Information

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.

Sylvia Cornelius (written): Hello, I would like to address the use of a nation only email. This may work for members that do not work for the Nation. However, I have run into many issues having 2 nation emails, with appts being emailed to my school board account. And have to remind staff that i have two emails, not to pick the OSB email to pick my work title. Is there a way to address this? Like not being able to look up members by name but by board? It seems like there should be a technological easy fix for this issue, it continues to happen to me. I would like to see this addressed. Maybe by not including board members in the address book by name but by board and then name? If you could find a way to address this, it is very irritating. Especially if people just pick the first name they see and dont look at the title. This is an ongoing issue for me being an employee of the Nation and on a Board.

Response

The commenter expresses frustration over having both an Oneida Nation employee e-mail address and an e-mail address as a member of the Oneida Nation School Board, and the subsequent confusion in receiving e-mails on one account that were meant for the other account.

The Law requires that a member of an entity be provided an official Oneida e-mail address upon election or appointment to a board, committee, or commission of the Nation for the purpose of conducting business of the entity electronically, and specifies that this e-mail address must be different than the member's employee e-mail address if that member is also an employee of the Nation. [1 O.C. 105.14-3]. The Law does not provide specifics for how the e-mail address is formulated or organized.

It is recommended that the Legislative Operating Committee share this concern with the Nation's Management Information Systems (MIS) Department to see if there are any technological adjustments that could be made to how the board, committee, and commission e-mail addresses are formulated or organized to avoid the confusion created by the problem described by the commenter.

LOC Consideration

The Legislative Operating Committee determined that the issue described by the commenter does not necessarily have a solution that can be achieved through legislation, but that the Legislative Operating Committee will send communication to the Nation's Management Information Systems (MIS) Department to see if there are any technological adjustments that could be made to how the

board, committee, and commission e-mail addresses are formulated or organized to avoid the issue described by the commenter.

Comment 23 – Ineligibility Due to Conflicts of Interest:

105.15. Conflicts of Interest

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.

Brooke Doxtator (written): 105.15-3. Ineligibility Due to Conflicts of Interest. 1.Can we add d and e?

- d) an employee of the Business Committee Support Office (The BCSO staff (specifically the Info Management Specialist) fall in the same category as Audit, Finance, Law, Intergovernmental Affairs and Communications. In addition, the BCC staff offer admin support to the BCC’s which could cause a conflict of interest.
- e) an employee who serves as a direct report to the General Manager (need to confirm with GM, but it’s my understanding the GM’s direct reports are not supposed to serve on BCC’s)

Response

The commenter requests that the Legislative Operating Committee consider including Business Committee Support Office staff, as well as any direct reports to the General Manager, in section 105.15-3 which provides certain positions and areas where staff shall not be eligible to serve on an appointed or elected entity due to the potential for a real or perceived conflict of interest to exist.

The Legislative Operating Committee may consider whether Business Committee Support Office staff or any direct reports to the General Manager should be included in section 105.15-3 and thereby prohibited from serving on an appointed or elected entity of the Nation. The Legislative Operating Committee may make one of the following determinations.

1. The Law should remain as currently drafted and not include staff of the Business Committee Support Office or direct reports of the General Manager in the prohibition from serving on an appointed or elected entity of the Nation provided for by section 105.15-3.
2. The Law should be revised include staff of the Business Committee Support Office and/or direct reports of the General Manager in the prohibition from serving on an appointed or elected entity of the Nation provided for by section 105.15-3. If the Legislative Operating Committee makes this determination then the following revision to the Law is recommended:

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, Business Committee Support Office, or Intergovernmental Affairs and Communications; and
- (c) an employee who serves as a direct report to the Oneida Business Committee or General Manager.

LOC Consideration

The Legislative Operating Committee determined that the Law should include staff of the Business Committee Support Office and any direct reports of the General Manager in the prohibition from serving on an appointed or elected entity of the Nation provided for by section 105.15-3. The Legislative Operating Committee determined that the following amendment to the Law should be made based on this comment:

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, Business Committee Support Office, or Intergovernmental Affairs and Communications; and
- (c) an employee who serves as a direct report to the Oneida Business Committee or General Manager.

Comment 24 – Ineligibility Due to Conflict of Interest:

105.15. Conflicts of Interest

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.**

105.5. 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.**



[Public Meeting Notice stated “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.”]

Richard Baird (written): 9. I believe that is already specified on the application for BCC candidates.

Response

The commenter states that he believes that the fact 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 is already specified on the application for a board, committee, or commission position.

The Law requires that all applications to serve on a board, committee, or commission of the Nation include a section regarding disclosures of conflicts of interest. *[1 O.C. 105.5-1]*. The Law then identifies that employment in certain positions and departments is prohibited when serving on a board, committee, or commission due to the potential for a real or perceived conflict of interest to exist. *[1 O.C. 105.15-3]*. Therefore, employment in an area identified in section 105.15-3 would be a conflict of interest that would need to be disclosed on the application.

There is no recommended revision to the Law based on this comment.

LOC Consideration

The Legislative Operating Committee determined there was no revision to the Law needed based on this comment.

Title 1. Government and Finances – Chapter 105
Laotiyaniłhslaʔshúha katyohkwaya·tú·seʔ
Their laws of the groups we have
BOARDS, COMMITTEES, AND COMMISSIONS

- | | |
|------------------------------------|--|
| 105.1. Purpose and Policy | 105.10. Bylaws |
| 105.2. Adoption, Amendment, Repeal | 105.11. Electronic Polling |
| 105.3. Definitions | 105.12. Reporting Requirements |
| 105.4. Creation of an Entity | 105.13. Stipends, Reimbursement and Compensation |
| 105.5. Applications | 105.14. Confidential Information |
| 105.6. Vacancies | 105.15. Conflicts of Interest |
| 105.7. Appointment to an Entity | 105.16. Use of the Nation's Assets |
| 105.8. Election to an Entity | 105.17. Dissolution of an Entity |
| 105.9. Oath of Office | 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

- 33 on an entity.
- 34 (b) "Appointment" means the process by which a person is chosen to fill a vacancy on an
35 entity by the Oneida Business Committee.
- 36 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding
37 holidays recognized by the Nation.
- 38 (d) "Bylaws" means a document which provides a framework for the operation and
39 management of a board, committee, or commission of the Nation chiefly for the
40 government of its members and the regulation of its affairs.
- 41 (e) "Conference" means any training, seminar, meeting, or other assembly of persons
42 which is not an assembly of the entity.
- 43 (f) "Confidential information" means all information or data, whether printed, written, or
44 oral, concerning business or customers of the Nation, disclosed to, acquired by, or
45 generated by a member of an entity in confidence at any time during their elected or
46 appointed term or during their employment.
- 47 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,
48 financial, political, or otherwise, in which an elected official, officer, political appointee,
49 employee, contractor, or appointed or elected member, or their immediate family members,
50 friends or associates, or any other person with whom they have contact, have that conflicts
51 with any right of the Nation to property, information, or any other right to own and operate
52 activities free from undisclosed competition or other violation of such rights of the Nation.
53 In addition, conflict of interest also means any financial or familial interest an elected
54 official, officer, political appointee, employee, contractor, or appointed or elected member
55 or their immediate family members may have in any transaction between the Nation and
56 an outside party.
- 57 (h) "Direct report" means a position which requires direct contact and supervision by the
58 Oneida Business Committee because of the position, the duties, or the services provided.
59 Direct reports shall be identified by the Oneida Business Committee through resolution
- 60 (i) "Entity" means a board, committee or commission created by the General Tribal
61 Council or the Oneida Business Committee whose members are appointed by the Oneida
62 Business Committee or elected by the Nation's membership.
- 63 (j) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all
64 members of an entity, in order to seek a response which identifies a vote in favor of,
65 opposing, or abstaining to an issue requiring approval by the entity.
- 66 (k) "Joint meeting" means a meeting with the Oneida Business Committee.
- 67 (l) "Nation" means the Oneida Nation.
- 68 (m) "Per Diem" means the payment made by the Nation to offset the costs of being on
69 travel on behalf of the Oneida Nation.
- 70 (n) "Political appointee" means a person appointed by a member of the Oneida Business
71 Committee to provide assistance with the Oneida Business Committee member's daily
72 activities and operations.
- 73 (o) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine
74 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance
75 included in Schedules I through V, as defined by Section 812 of Title 21 of the United
76 States Code. This also includes prescription medication or over-the-counter medicine used

77 in an unauthorized or unlawful manner.

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

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

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

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

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

93
94 **105.4. Creation of an Entity**

95 105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida
96 Business Committee or General Tribal Council.

97 105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all
98 powers and responsibilities delegated to the entity.

99 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of
100 the entity.

101
102 **105.5. Applications**

103 105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of
104 the Nation. All application materials shall be available in the Business Committee Support Office
105 and any other location specified by the Business Committee Support Office.

106 (a) All applications shall include:

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

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

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

115 105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of
116 the deadline date.

117 105.5-3. Within eight (8) days after the posted deadline for filing applications, the Business
118 Committee Support Office shall notify all persons who have filed an application of the date his or
119 her application was received and if his or her application met the deadline to be considered for the
120 election or appointment.

121 105.5-4. Applications for elected positions shall be verified according to the Nation’s laws and/or
122 policies governing elections. Applications for appointed positions shall be verified by the Business
123 Committee Support Office as needed or as required in the bylaws of the entity.

124 105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants
125 after the deadline date has passed for appointed positions, the Business Committee Support Office
126 may repost for an additional time period.

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

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

131 (c) The Oneida Business Committee may elect to include within the pool of appointed
132 persons late applications.
133

134 **105.6. Vacancies**

135 105.6-1. The manner by which an individual fills a vacancy, either through election or
136 appointment, shall determine that member’s status as an appointed or elected official, despite the
137 entity’s classification as an appointed or elected entity pursuant to the entity’s bylaws.

138 105.6-2. A position on an entity shall be considered vacant in the following situations:

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

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

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

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

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

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

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

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

155 105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity learns
156 that a position has or will become vacant. All notices of vacancy shall be sent to the entities for
157 clarification or confirmation prior to notification to the Oneida Business Committee.

158 105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the
159 Secretary. The Secretary shall request and receive approval from the Oneida Business Committee
160 to post the notice of vacancy. The Business Committee Support Office shall post notice of
161 vacancies at the following times:

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

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

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

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

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

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

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

174 105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all
175 official media outlets of the Nation, as determined by the Oneida Business Committee, as well as
176 any other location deemed appropriate by the Secretary.

177 178 **105.7. Appointment to an Entity**

179 105.7-1. *Appointment Selection*. The following procedures shall be used to determine how the
180 applicant for an appointed position is selected:

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

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

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

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

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

197 (1) The entity’s Chairperson may review the application materials and submit to
198 the Business Committee Support Office a recommendation to the Oneida Business
199 Committee of an applicant for appointment.

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

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

208 (1) select an applicant for appointment, or

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

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

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

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

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

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

228 105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an Oneida
229 Business Committee meeting, the Nation’s Secretary shall notify all applicants of the final status
230 of their application.

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

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

241 105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to an
242 entity by the Oneida Business Committee may decline the appointment.

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

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

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

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

252 105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion

253 of the Oneida Business Committee. Upon the recommendation of a member of the Oneida
254 Business Committee or the entity, a member of an appointed entity may have his or her
255 appointment terminated by the Oneida Business Committee.

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

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

260

261 **105.8. Election to an Entity**

262 105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board,
263 or apply for ballot placement, in accordance with the Nation’s laws and/or policies governing
264 elections, except where an entity’s bylaws allow for a vacancy to be filled by appointment.

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

272 105.8-2. All other processes for the election of a member of an entity shall be as directed by the
273 Nation’s laws and/or policies governing elections.

274

275 **105.9. Oath of Office**

276 105.9-1. All appointed and elected positions are official upon taking an oath during a regular or
277 special Oneida Business Committee meeting, or at an alternate time and location as determined by
278 the Secretary. All rights and delegated authorities of membership in the entity shall vest upon
279 taking the oath. The Nation’s Secretary shall notify the chosen persons when they shall appear for
280 taking the oath.

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

284 105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths
285 shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by
286 the Business Committee Support Office.

287 105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath, shall
288 be maintained by the Business Committee Support Office. Copies of the oath shall be forwarded
289 to the new member of the entity and the entity.

290 105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is
291 pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws
292 and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation
293 Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people
294 with honor, respect, dignity, and sincerity and will strictly maintain confidential information. I will
295 carry out the duties and responsibilities as a member of the [entity name], and all recommendations
296 shall be made in the best interest of the Oneida Nation as a whole.

297 105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity aware
298 of their duty to the Nation and as members of the entity.
299

300 **105.10. Bylaws**

301 105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this
302 law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless
303 where General Tribal Council approval is additionally required.

304 (a) All existing entities shall comply with this format and present bylaws for adoption
305 within a reasonable time after creation of the entity, or within a reasonable time after
306 adoption of this law.

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

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

312 105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:

313 (a) Article I. Authority.

314 (b) Article II. Officers.

315 (c) Article III. Meetings.

316 (d) Article IV. Expectations.

317 (e) Article V. Stipends and Compensation.

318 (f) Article VI. Records and Reporting.

319 (g) Article VII. Amendments.

320 105.10-3. *Sections.* Articles shall be divided into "sections" as set out.

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

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

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

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

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

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

330 (A) Number of members on the entity;

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

333 (C) How vacancies are filled; and

334 (D) Qualifications for membership on the entity.

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

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

- 341 Nation.
- 342 (7) *Trainings and Conferences*. This section shall describe any trainings and/or
- 343 conferences that the entity deems necessary for members to responsibly serve the
- 344 entity, if any.
- 345 (b) "Article II. Officers" shall consist of the following:
- 346 (1) *Chairperson and Vice-Chairperson*. This section creates the chairperson and
- 347 vice-chairperson positions of the entity. Other officer positions may also be created
- 348 here.
- 349 (2) *Responsibilities of the Chairperson*. Because of the importance of this position,
- 350 all duties and responsibilities of the chairperson, as well as limitations of the
- 351 chairperson shall be specifically listed here.
- 352 (3) *Responsibilities of the Vice-Chairperson*. Because of the importance of this
- 353 position, all duties and responsibilities of the vice-chairperson, as well as
- 354 limitations of the vice-chairperson shall be specifically listed here.
- 355 (4) *Responsibilities of Additional Officers*. There may be additional sections as
- 356 needed for every officer position created in subsection one (1) above. These
- 357 sections shall state all duties and responsibilities of the officer, as well as any
- 358 limitations of the officer.
- 359 (5) *Selection of Officers*. This section shall identify how a member of the entity
- 360 shall be selected for an official officer position in the entity.
- 361 (6) *Budgetary Sign-Off Authority and Travel*. This section shall identify the
- 362 entity's varying levels of budgetary sign-off authority, the members that are
- 363 authorized to sign-off at each level, and how the entity shall handle approving travel
- 364 on behalf of the entity.
- 365 (A) An entity shall follow the Nation's policies and procedures regarding
- 366 purchasing and sign-off authority.
- 367 (B) An entity shall approve a member's request to travel on behalf of the
- 368 entity by majority vote at a regular or emergency meeting of the entity.
- 369 (7) *Personnel*. This section shall state the entity's authority for hiring personnel,
- 370 if any, and the duties of such personnel.
- 371 (c) "Article III. Meetings" shall consist of the following:
- 372 (1) *Regular meetings*. This section shall identify when and where regular meetings
- 373 shall be held, and how the entity shall provide notice of the meeting agenda,
- 374 documents, and minutes.
- 375 (2) *Emergency meetings*. This section shall identify what constitutes an emergency
- 376 meeting, how emergency meetings shall be called, and how the entity shall provide
- 377 notice of the emergency meeting.
- 378 (A) All bylaws shall include a provision requiring that within seventy-two
- 379 (72) hours after an emergency meeting, the entity shall provide the Nation's
- 380 Secretary with notice of the meeting, the reason for the emergency meeting,
- 381 and an explanation of why the matter could not wait for a regular meeting.
- 382 (3) *Joint Meetings*. This section shall identify if joint meetings shall be held, the
- 383 frequency and location of joint meetings, and how the entity shall provide notice of
- 384 the meeting agenda, documents, and minutes.

- 385 (4) *Quorum*. This section shall identify how many members of an entity create a
386 quorum.
- 387 (5) *Order of Business*. This section sets out how the agenda will be set up.
- 388 (6) *Voting*. This section shall identify voting requirements, such as, but not limited
389 to:
- 390 (A) the percentages that shall be needed to pass different items;
- 391 (B) if, and when, the chairperson is allowed to vote;
- 392 (C) if the use of an e-poll is permissible; and
- 393 (D) if the use of and e-poll is permissible, who will serve as the
394 Chairperson’s designee for the responsibility of conducting an e-poll, if a
395 designee is utilized.
- 396 (d) “Article IV. Expectations” shall consist of the following information:
- 397 (1) *Behavior of Members*. This section shall identify the behavioral expectations
398 and requirements of a member of the entity, and identify how the entity shall
399 enforce these behavioral expectations.
- 400 (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act
401 committed by a member of the entity that inflicts, attempts to inflict, or threatens
402 to inflict emotional or bodily harm on another person, or damage to property, and
403 set forth any further expectations regarding the prohibition of violence.
- 404 (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and
405 prohibited drugs for a member of an entity when acting in their official capacity,
406 and set forth any further expectations regarding the use of prohibited drugs and
407 alcohol.
- 408 (4) *Social Media*. This section shall identify expectations for the use of social
409 media in regards to official business of the entity.
- 410 (5) *Conflict of Interest*. This section shall state any standards and expectations
411 additional to those required by law of the Nation in regards to conflicts of interest
412 and how they are handled, as well as requirements related to prohibited activities
413 resulting from disclosed conflicts of interest, and means by which a party can
414 alleviate or mitigate the conflict of interest.
- 415 (e) “Article V. Stipends and Compensation” shall consist of the following information:
- 416 (1) *Stipends*. This section shall include a comprehensive list of all stipends
417 members are eligible to receive and the requirements for collecting each stipend, if
418 any in addition to those contained in this law.
- 419 (2) *Compensation*. This section shall include details regarding all other forms of
420 compensation members are eligible to receive and the requirements for collecting
421 such compensation, if any in addition to those contained in this law.
- 422 (f) "Article VI. Records and Reporting" shall consist of the following information:
- 423 (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as
424 identified by this section.
- 425 (2) *Minutes*. Minutes shall be typed and in a consistent format designed to generate
426 the most informative record of the meetings of the entity. This may include a
427 summary of action taken by the entity. This section shall identify the format for
428 minutes, and a reasonable timeframe by which minutes shall be submitted to the

429 Business Committee Support Office.

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

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

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

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

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

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

452

453 **105.11. Electronic Polling**

454 105.11-1. An entity may utilize an e-poll when approval of an action may be required before the
455 next available meeting agenda of the entity.

456 105.11-2. *Conducting an E-Poll*. The Chairperson of the entity, or designee, shall e-mail the e-
457 poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail
458 address of the entity. The e-poll's message shall include the following information:

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

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

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

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

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

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

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

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

476 105.11-3. *Response to an E-Poll.* Only the member of an entity shall respond to an e-poll. A
477 response from a member of an entity shall be valid if received from an official e-mail address of
478 the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll
479 request shall receive responses from a majority of members of the entity in order to be an official
480 vote.

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

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

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

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

489 105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be
490 placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall
491 contain the following information:

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

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

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

497

498 **105.12. Reporting Requirements**

499 105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office
500 within a reasonable time after approval by the entity, as identified in the entity's bylaws.

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

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

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

508 105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an
509 entity shall be submitted to the Business Committee Support Office, where they shall be kept on
510 file.

511 105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly
512 reports to the Oneida Business Committee in accordance with the quarterly reporting schedule
513 approved by the Oneida Business Committee. All quarterly reports shall be approved by official
514 entity action before they are submitted. The quarterly reports shall not contain any information
515 that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the
516 entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda

517 item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and
518 contain the following information:

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

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

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

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

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

531 (e) *Budget.* The amount of the entity’s budget, the status of the budget at that quarter, the
532 amount of each stipend a member may be eligible to receive, how the budget is being
533 utilized by the entity, and projected budgetary uses for the next quarter.

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

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

537 105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council.* Entities shall provide
538 annual reports to the Oneida General Tribal Council based on their activities during the previous
539 fiscal year, and semi-annual reports based on their activities during the current fiscal year. All
540 annual and semi-annual reports shall follow a format prescribed by the Oneida Business
541 Committee.

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

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

546 105.12-5. Any failure to comply with the reporting requirements may result in the Oneida
547 Business Committee placing a hold on the release of a stipend payment.

548

549 **105.13. Stipends, Reimbursement and Compensation**

550 105.13-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this
551 section and according to procedures for payment as set out by the Nation, unless otherwise declined
552 by the entity through its bylaws, or declined by a member.

553 105.13-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida
554 Business Committee shall periodically review the amounts provided for stipends and, based on the
555 availability of funds, shall adjust those amounts accordingly by amending the resolution. Stipends
556 are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

557 105.13-3. *Meeting Stipends.* A member of an entity shall only receive a meeting stipend for a
558 regular or emergency meeting where a quorum has been established in accordance with the duly
559 adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the
560 stipend is present for the entire meeting. Meetings can occur in person, by telephone, through

561 videoconferencing, or through other telecommunications.

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

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

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

569 105.13-4. *Joint Meeting Stipends.* A member of an entity shall only receive a stipend for a joint
570 meeting where a quorum has been established in accordance with the duly adopted bylaws of that
571 entity, that lasts for at least one (1) hour, and the member collecting the stipend is present for the
572 entire meeting. Joint meetings can occur in person, by telephone, through videoconferencing, or
573 through other telecommunications.

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

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

578 105.13-5. *Oneida Judiciary Hearings.* A member of an entity shall receive a Judiciary hearing
579 stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

580 105.13-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may
581 obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of
582 all functions related to the resolution of the matter notwithstanding the amount of time it takes to
583 resolve the matter, including, but not limited to, any continuations of the hearing and decision
584 drafting.

585 105.13-7. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any
586 other stipends are appropriate to compensate members of entities for their official actions. All
587 possible stipends shall be included in the Oneida Business Committee resolution which sets stipend
588 amounts.

589 105.13-8. *Conferences and Training.* A member of any entity, elected or appointed, shall be
590 reimbursed in accordance with the Nation's policy for travel and per diem, for attending a
591 conference or training. Provided that:

592 (a) A member shall be eligible for a stipend for attending a conference or training, when
593 attendance at the conference or training is required by law, bylaw or resolution.

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

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

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

602 105.13-9. *Business Expenses.* All members of entities shall be eligible for reimbursement for
603 normal business expenses naturally related to membership in the entity.

604 105.13-10. *Task Force and Ad Hoc Subcommittees.* Members of task force, ad hoc committees

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

607

608 **105.14. Confidential Information**

609 105.14-1. All members of an entity shall maintain in a confidential manner all information
610 obtained through their position on the entity. The Nation requires that all members of an entity
611 who have access to the Nation’s confidential information be subject to specific limitations in order
612 to protect the interest of the Nation and ensure that no persons engaged in by the Nation, nor their
613 relatives or associates, benefit from the use of confidential information.

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

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

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

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

630 105.14-2. Any records created or obtained while as an official of an entity are the property of the
631 Nation and shall only be removed or destroyed by approval from a majority vote of the entity at a
632 duly called meeting. All removal or destruction of documents shall be made in accordance with
633 the Nation’s laws and policies governing open records and open meetings.

634 105.14-3. *Official Oneida Nation E-mail Address.* Each member of an entity shall be provided an
635 official Oneida e-mail address upon election or appointment for the purpose of conducting business
636 of the entity electronically.

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

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

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

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

648

649 **105.15. Conflicts of Interest**

650 105.15-1. All members of an entity are required to adhere to the Nation’s laws and policies
651 governing conflicts of interest.

652 105.15-2. A member of an entity shall disclose a conflict of interest to the Nation’s Secretary as
653 soon as the conflict arises and update a conflict of interest disclosure form with the Nation’s
654 Secretary on an annual basis.

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

658 105.15-3. *Ineligibility Due to Conflicts of Interest.* Due to the potential for a real or perceived
659 conflict of interest to exist, the following individuals shall not be eligible to serve on an appointed
660 or elected entity:

661 (a) political appointees;

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

664 (c) an employee who serves as a direct report to the Oneida Business Committee.
665

666 **105.16. Use of the Nation’s Assets**

667 105.16-1. Entities shall maintain all bank accounts for the Nation’s funds in the name of the
668 Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with
669 Generally Accepted Accounting Principles.

670 105.16-2. Each member of an entity shall comply with the system of internal accounting controls
671 sufficient to provide assurances that:

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

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

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

676 105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall
677 be immediately reported to the Internal Audit department. If the Internal Audit department finds
678 evidence of noncompliance they shall notify the Oneida Law Office, who will then make a
679 determination of further action to be taken, if any.
680

681 **105.17. Dissolution of an Entity**

682 105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee
683 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials
684 generated by a task force or ad hoc committee shall be forwarded to the Business Committee
685 Support Office for proper disposal within two (2) weeks of the dissolution.

686 105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by
687 motion of the Oneida General Tribal Council or the Oneida Business Committee.

688 105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal
689 Council or the Oneida Business Committee taking official action to dissolve an entity, the Oneida
690 Business Committee shall provide the entity written notice of the dissolution.

691 105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved
692 entities shall be responsible for closing out open business of the entity and forwarding all materials

693 and records to the Business Committee Support Office for proper storage and disposal within two
694 (2) weeks of dissolution. The entity shall not alter or destroy any records. The Business Committee
695 Support Office may utilize the assistance of the Records Management Department and/or any other
696 appropriate department for the storage and disposal of the records and materials.

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

700

701 **105.18. Enforcement**

702 105.18-1. Any member of an entity found to be in violation of this law may be subject to:

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

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

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

709 *End.*

710

712

713 Adopted - BC-08-02-95-A

714 Amended - BC-05-14-97-F

715 Emergency Amended - BC-04-12-06-JJ

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

717 Amended – BC-09-22-10-C

718 Amended – BC-09-26-18-C

719 Emergency Amended – BC-03-11-20-B

720 Emergency Amended – BC-03-17-20-C

721 Amended – BC- _ - _ - _ - _

722

723

From: [Sylvia Cornelius](#)
To: [LOC](#)
Subject: nation email requirement
Date: Sunday, June 7, 2020 5:37:58 PM

Hello,

I would like to address the use of a nation only email. This may work for members that do not work for the Nation. However, I have run into many issues having 2 nation emails, with appts being emailed to my school board account. And have to remind staff that i have two emails, not to pick the OSB email to pick my work title.

Is there a way to address this? Like not being able to look up members by name but by board? It seems like there should be a technological easy fix for this issue, it continues to happen to me. I would like to see this addressed. Maybe by not including board members in the address book by name but by board and then name?

If you could find a way to address this, it is very irritating. Especially if people just pick the first name they see and dont look at the title.

This is an ongoing issue for me being an employee of the Nation and on a Board.

Thank you,

Sylvia Cornelius

Oneida Nation School Board Member

July 9, 2020

Brent Truttmann

Enrollment #11373

920-915-1999

brenly.truttmann@gmail.com

Public Comment for Proposed Amendments to Boards, Committees, and Commissions Law

Greetings Legislative Operating Committee (LOC) and Legislative Reference Office (LRO). As an eligible voting member of the General Tribal Council, please consider and implement the following suggestions to the proposed amendments to the Boards, Committees, and Commissions (BCC) Law:

- Section 105.13-2 of the proposed amendments allows meetings held through video conferencing or other means of telecommunications stipend eligible as long as the meeting lasts for at least 1 hour and for the participant to be present for the full meeting. As an employee of the Oneida Nation, I have experienced technical difficulties when hosting these types of meetings. On multiple occasions participants of a video teleconference meeting were dropped from the call, and they had to re-log into the meeting. There is concern that these instances may disqualify participating members from a stipend through no fault of their own based on the current proposed language.

I request the LOC to include additional language to section 105.13-2 to accommodate for the technological limitations of video/teleconference meetings. For example, if a video/teleconference meeting is held, a stipulation that all members need to be logged onto the conference call for 95% of the full meeting to be eligible for a stipend may guarantee that all participants are present for the bulk of the meeting while accommodating for technical glitches.

- Section 105.7-1 (d) of the BCC Law states that the Oneida Business Committee appoints the individual to fill the vacancy of an elected or appointed boards, committee, or commission (after an application process listed in earlier sections). The BCC Law does not guarantee the actual board, committee, or commission with the vacancy will have any input in this process. This lack of guarantee is concerning. While I understand the Oneida Business Committee may have sweeping understanding of all BCCs through their BC Liaisons, the individual board, committee, and commissions have a much or intimate knowledge of their responsibilities and needs. Therefore, the individual board, committee and commission would have an intimate understanding of what to look for in applicants of a vacancy. If there is concern for a conflict of interest, the same concern could be raised to the Oneida Business Committee when appointing an individual to a vacant position as their appointment may be self-serving to the Oneida Business Committee without consideration to the board, committee, or commission with said vacancy.

Therefore I recommend the BCC Law to include the board, committee, or commission with the vacancy in the appointment process. Preferably, the appointment to fulfill a vacancy should be decided jointly between both the Oneida Business Committee and the entity with a vacancy.

From: [Brooke M. Doxtator](#)
To: [Clorissa N. Santiago](#); [Patrick W. Stensloff](#)
Cc: [LOC](#)
Subject: BCC Law Amendment - SOA
Date: Thursday, July 9, 2020 1:14:33 PM

Hi Clorissa,

I was asked to reach out to you in regards to adding an amendment to the BCC law that would require the BCC's to approve purchases in their meetings but the BCC Staff would have the final Sign Off Authority (SOA) to add more checks and balances. I included Patrick Stensloff from Purchasing on this email in case he has any comments/feedback to provide regarding the SOA levels. I included our hierarchy below for reference.

BCSO Area Manager
 BCC Supervisor
 BCC Clerk

If you have any questions, please let me know.

Brooke Doxtator
BCC Supervisor
Business Committee Support Office (BCSO)



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

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Boards, Committees, and Commissions Law Comments - Referring to Redline Draft

Lines 126-135 – Would like to see these amendments become permanent as it will make the process more efficient.

Lines 195-197 – Would like to see these amendments become permanent as situations have arisen where we weren't able to meet the deadline due to factors that were outside our control.

*Lines 251-252 – After working with this process we found that 30 days isn't sufficient, months that have 5 weeks and meetings being cancelled often put us out of this window for administering oaths. Could this be updated to something like "The failure to take the oath of office within two (2) regular Oneida Business Committee meetings of being selected for appointment by the Oneida Business Committee."

Line 288-291 – 105.9 (a) When taking an oath ~~1.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 ~~2.video conferencing equipment~~.

1. Delete, on line 284 it says they can take their oath at an alternate time and location
2. Replace with - through videoconferencing, or through other telecommunications.

Line 568 - in the current law approved 3/17/20 "~~present for the entire meeting.~~" was removed. Would like to see this line added back in. As we had members that were not present for entire meeting trying to collect stipends.

Lines 568-569 - Would like to see this become permanent so the members have options to meet especially given the current circumstances.

Lines 571 and 573 – Could this read per fiscal year? This is our current practice because the stipends are easier to track and report when they are on the same cycle as the budget.

Lines 580-581 - in the current law approved 3/17/20 "~~present for the entire meeting.~~" was removed. Would like to see this line added back in. As we had members that were not present for entire meeting trying to collect stipends.

105.14-3 Official Oneida Nation E-mail Address

1. Can we make alternates and ad hoc's an exception to this rule? It says "Each member of an entity" so maybe they already are exempt but I wanted to comment on it because the time, effort and resources needed to assign them an "official" email is not really feasible for their use.
2. Can we give them a timeframe to activate the account or a consequence happens? Time and effort are being put into this only for the members to not activate and/or use their accounts.

105.15-3. Ineligibility Due to Conflicts of Interest

1. Can we add d and e?
d) an employee of the Business Committee Support Office (The BCSO staff (specifically the Info Management Specialist) fall in the same category as Audit, Finance, Law, Intergovernmental Affairs and Communications. In addition, the BCC staff offer admin support to the BCC's which could cause a conflict of interest.
e) an employee who serves as a direct report to the General Manager (need to confirm with GM, but it's my understanding the GM's direct reports are not supposed to serve on BCC's)

Boards, Committees, and Commissions Law / Public Comment

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)

- 369 (6) *Budgetary Sign-Off Authority and Travel.* This section shall identify the
370 entity's varying levels of budgetary sign-off authority, the members that are
371 authorized to sign-off at each level, and how the entity shall handle approving travel
372 on behalf of the entity.
373 (A) An entity shall follow the Nation's policies and procedures regarding
374 purchasing and sign-off authority.

Nearly all of the areas within the Nation are following the automated purchasing process. The areas which report to boards, committees or commissions are following the manual paper order form procurement process. It is the goal of the Purchasing Department to automate procurement activity for all areas within the Nation. Automating the procurement activity for all areas will provide a consistent procurement process throughout the Nation that results in process efficiencies and automated authorizations.

Areas reporting to boards, committees, and commissions are following the manual procurement process because the authorizing members are not employees. Non-employees are not granted access to the Financial System. In addition, some authorizing members of boards, committees or commissions could be performing procurement activity as an employee of the Nation. Adding the approving ability to current users could pose issues with internal controls.

The Purchasing Department is respectfully inquiring about a change in the sign off authority practices for boards, committees and commissions when it pertains to purchasing. This change would eliminate members of boards, committees, or commissions from the automated sign off for purchases. Additionally, the sign off authority for purchases would include employees at the business unit level and route through the Treasurer and Finance Committee accordingly. The BCC supervisor could also be incorporated into the sign off authority if needed.

It is desired to have this change in sign off for purchases encompass all boards, committees and commissions. However, there are some boards, committees and commissions that do not purchase much if anything at all. On the other end of the spectrum, the volume of purchases for the Schools is high.

From: [Richard Baird](#)
To: [LOC](#)
Subject: Comments on BCC Law
Date: Wednesday, July 1, 2020 12:11:30 PM

Boards, Committees & Commissions:

1. It seem to me that's the the way that worked anyway. If there were no applications or only one application then there would be insufficient persons to choose from. Too many times I've seen an only candidate chosen only to resign.
2. I don't have a problem with the support office requesting more time. Once the applications go up to the office, and a candidate is not chosen due to background check or other reason, the support staff is charged with notifying the entity the reason a candidate has not been selected for whatever reason.
3. The Chair has the responsibility to chose a candidate and should do expeditiously, in order for the entity to continue to conduct business. Sometime an entity doesn't have a quorum due to insufficient members, so its imperative that the Chair act quickly to fill vacancies.
4. The oath of office is usually done by the Secretary, so it could be done in the Secretaries office anytime. No need to have it done at a BC meeting.
5. Absolutely! No one but the member should be voting.
6. No problem. Just make sure the members are present by some means and there should be a way to confirm that they were. When you're paying a stipend someone needs to be held accountable to insure everyone who said they were present actually were.
7. No problem. Accountability, same No. 6.
8. I don't know why the BC has never standardized the meeting stipend across the board. It shouldn't be about the stipend, it should be about conducting the Nation's business because you have an interest in participating and helping to move the Nation forward.
9. I believe that is already specified on the application for BCC candidates.