

Oneida Business Committee

Regular Meeting 8:30 AM Wednesday, January 27, 2021 BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to https://goo.gl/uLp2jE. Scheduled times are subject to change.

NOTICE

In accordance with the OBC Virtual meeting standard operating procedure, due to the Public Health State of Emergency the OBC meeting will be held virtually through Microsoft Teams and therefore be closed to the public. Any person who has comments or questions regarding open session items may submit them to <u>TribalSecretary@oneidanation.org</u> no later than the close of business the day before the OBC meeting. Any comments or questions received shall be noticed to the OBC and entered into the record as a handout by the Business Committee Support Office. A recording of the virtual meeting shall be made available on the Nation's website.

I. CALL TO ORDER

II. OPENING

A. Special recognition for years of service Sponsor: Geraldine Danforth, Area Manager/Human Resources

III. ADOPT THE AGENDA

IV. OATH OF OFFICE

A. Pardon and Forgiveness Screening Committee - Eric Boulanger, Ron King Jr., Elijah Metoxen, and Mark W. Powless Sponsor: Lisa Liggins, Secretary

V. MINUTES

A. Approve the January 13, 2021, regular Business Committee meeting minutes Sponsor: Lisa Liggins, Secretary

VI. **RESOLUTIONS**

A. Enter e-poll results into the record regarding the adopted BC resolution # 01-07-21-A Sponsor: Lisa Liggins, Secretary

VII. STANDING COMMITTEES

A. FINANCE COMMITTEE

- 1. Accept the January 4, 2021, regular Finance Committee meeting minutes Sponsor: Tina Danforth, Treasurer
- 2. Accept the January 18, 2021, regular Finance Committee meeting minutes Sponsor: Tina Danforth, Treasurer

B. LEGISLATIVE OPERATING COMMITTEE

- 1. Approve the Oneida Nation Emergency Planning Committee bylaw amendments Sponsor: David P. Jordan, Councilman
- 2. Adopt emergency amendments to Landlord-Tenant Law rule #2 Income Based Rental Program Eligibility, Selection and Other Requirements Sponsor: David P. Jordan, Councilman
- 3. Accept the December 16, 2020, regular Legislative Operating Committee meeting minutes Sponsor: David P. Jordan, Councilman

C. QUALITY OF LIFE COMMITTEE

- 1. Approve the revised Quality of Life Committee charter Sponsor: Marie Summers, Councilwoman
- 2. Accept the December 10, 2020, regular Quality of Life Committee meeting minutes Sponsor: Marie Summers, Councilwoman

VIII. UNFINISHED BUSINESS

A. Review update and determine next steps - CIP #14-002 Cemetery Improvements Sponsor: Debbie Thundercloud, General Manager

IX. NEW BUSINESS

A. Approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Hiring, Negotiating, and Termination of BC Professional Support Employees Sponsor: Jessica Vandekamp, Employee Relations Representative

X. GENERAL TRIBAL COUNCIL

A. Review the Chief Financial Officer recommendation of \$.30 per hour pay increase and determine next steps Sponsor: Larry Barton, Chief Financial Officer/Finance Division

XI. EXECUTIVE SESSION

A. REPORTS

- 1. Accept the Chief Counsel report Sponsor: Jo Anne House, Chief Counsel
- 2. Accept the General Manager report Sponsor: Debbie Thundercloud, General Manager
- 3. Accept the Intergovernmental Affairs, Communications, and Self-Governance January 2021 report Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- 4. Accept the December 2020 Treasurer's report Sponsor: Tina Danforth, Treasurer

B. NEW BUSINESS

- Approve a limited waiver of sovereign immunity Idemia Identity & Security USA LLC-MorpholDent – file # 2021-0015 Sponsor: Sandra Reveles, Chairwoman/Oneida Police Commission
- 2. Approve attorney contract Oneida Law Office file # 2021-0029 Sponsor: Jo Anne House, Chief Counsel
- Review the posting request and determine next steps Comprehensive Housing Sponsor: Debbie Thundercloud, General Manager
- 4. Approve the LPL Financial LLC-Retirement Plan Consulting Program Oneida Nation Enterprise 401(k) Plan agreement – file # 2021-0002 Sponsor: Tina Danforth, Treasurer
- Approve the LPL Financial LLC-Retirement Plan Consulting Program Oneida Nation Governmental 401 (k) Plan agreement – file # 2021-001 Sponsor: Tina Danforth, Treasurer
- 6. Enter e-poll results into the record regarding the failed resolution entitled Oneida Nation Emergency Response Plan Sponsor: Lisa Liggins, Secretary
- 7. Reconsider the resolution entitled Oneida Nation Emergency Response Plan Sponsor: Lisa Liggins, Secretary

8. Accept the January 12, 2021, regular OBC Officers meeting notes Sponsor: Jessica Vandekamp, Employee Relations Representative

XII. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: oneida-nsn.gov/government/business-committee/agendas-packets/

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

Public Packet

Oneida Business Committee Agenda Request

Special recognition for years of service

1. Meeting Date Requested: <u>01</u> / <u>27</u> / <u>21</u>

2. General Information:

Session: 🔀 Open 🗌 Exect	utive - See instructions for the applicable laws, then choose one:
Agenda Header: Announceme	ent/Recognition
Accept as Information only	
☑ Action - please describe:	
Acknowledge Years of Servio	ce Recipients with the attached PowerPoint. 1st Quarter, 2021 Recipients.
 3. Supporting Materials Report Resolution Other: 	Contract
1.Powerpoint	3.
2. List of Employees to be r	recognized 4.
Business Committee signatu	re required
4. Budget Information	
Budgeted - Tribal Contributio	on 🗌 Budgeted - Grant Funded 🗌 Unbudgeted
5. Submission	
Authorized Sponsor / Liaison:	Geraldine Danforth, Area Manager/Human Resource Department
Primary Requestor/Submitter:	Your Name, Title / Dept. or Tribal Member
Additional Requestor:	
	Name, Title / Dept.
Additional Requestor:	Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

HRD coordinates efforts, on a quarterly basis, with the Business Committee to recognize employees who have reached the 25+ years of service milestone. There are 27 recipients for 1st Quarter, FY'21. Supervisors have been contacted to submit certificates and pick up employee's award.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org

YEARS OF SERVICE RECIPIENTS					
Name	Emp #	1ST QUAR Supervisor Name	TER FY'21 OCT - DEC	Years	BC Meeting Date - January 27th
REITER-MEHOJAH, DEBORAH A	632	MOUSSEAU, SHARON A	Dec 1, 1980	40	
POWLESS,LINDA F	5971	SKENANDORE, TONIA H	Nov 4, 1985	35	
HILL,RENEE M	5344	KING,CARIE A	Nov 4, 1985	35	
DOMENCICH,LOIS J	5369	SMITH, JACQUELINE	Dec 23, 1985	35	
BRAATEN, MICHELLE M	494	POWLESS,MARK A, SR.	Oct 22, 1990	30	
CORNELIUS, JR, WENDEL L	135	TORRES, WILLIAM P	Nov 9, 1990	30	
PARR,TROY D	3554	BOYLE, JACQUE L	Oct 2, 1995	25	
FUNMAKER, STEPHANIE L	2654	HILL,RACQUEL L	Oct 2, 1995	25	
RENTMEESTER, KEVIN S	3568	BOYLE, JACQUE L	Oct 16, 1995	25	
REDHAIL,LUZ V	2694	BECKER,LAURIE J	Oct 16, 1995	25	
EBERHARDY, STEPHANIE		VIR,RAVINDER	Oct 23, 1995	25	
PARKS,LISA A	8354	SANTIAGO, CHERICE A	Oct 31, 1995	25	
CREE,RENE E	8360	STEVENS, SHELLY L	Nov 5, 1995	25	
DOXTATER, DANIEL W	179	ANDERSON, JENNIFER J	Nov 6, 1995	25	
RICE,ROBIN L	3613	BUCKLEY,STACIE	Nov 13, 1995	25	
MEHOJAH, KIMBERLY K	3588	POELS, JAMES R	Nov 13, 1995	25	
CALDERON, MARIANNE J	3491	DANFORTH, JR, REDMON	Nov 13, 1995	25	
THOMAS,SHANE	8084	JOURDAN-BEILKE,TINA L	Nov 29, 1995	25	
MORAN, IV, DANIEL J	3528	WEBSTER,CLIFF E, JR.	Nov 29, 1995	25	
SOMMERFELDT, JAMES M	3621	BRISTOL,ERIC	Dec 4, 1995	25	
RUTUES,MICHELLE D	6892	SCHUYLER, TRINA B	Dec 4, 1995	25	
DUFF,LISA L	3622	CORNELIUS,LOUISE C	Dec 4, 1995	25	
RASS, MINDY R	3627	POOLE, JOE	Dec 11, 1995	25	
POOLE, MICHELLE L	3633	DECHAMPS, DONALD	Dec 18, 1995	25	
DOXTATOR,EVA E		VANSCHYNDEL,RONALD J	Dec 26, 1995	25	
DOXTATOR, MICHAEL V	416	KUROWSKI, DEBRA J	Dec 31, 1995	25	

Public Packet

Oneida Business Committee Agenda Request

Pardon and Forgiveness Screening Committee - Eric Boulanger, Ron King Jr., Elijah Metoxen, and Mark.

1. Meeting Date Requested: <u>1</u> / <u>27</u> / <u>21</u>

2. General Information:

	Session: 🛛 Open 🔄 Executive - See instructions for the applicable laws, then choose one:
	Agenda Header: Oaths of Office
	Accept as Information only
	 Action - please describe:
	Administer Oath of Office to Eric Boulanger, Ron King Jr., Eli Metoxen and Mark W. Powless for the Pardon and Forgiveness Screening Committee
3.	Supporting Materials
	Other:
	1. 3.
	2 4
	Business Committee signature required
4.	Budget Information
	Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted
5.	Submission
	Authorized Sponsor / Liaison: Lisa Liggins, Secretary
	Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor Your Name, Title / Dept. or Tribal Member
	Additional Requestor: Name, Title / Dept.
	Additional Requestor:

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

On January 13, 2021 the Oneida Business Committee appointed Eric Boulanger and Ronald King Jr. as Oneida Police Department representatives and Elijah Metoxen and Mark W. Powless as Social Services Department representatives on the Pardon and Forgiveness Screening Committee.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org

Approve the January 13, 2021, regular Business Committee meeting minutes

Business Committee Agenda Request

1.	Meeting Date Requested:	1-27-21	
2.	General Information: Session: X Open	Executive – must qualify Justification: Choose rea	-
3.	Supporting Documents:		
	Bylaws	Fiscal Impact Statement	Presentation
	Contract Document(s)	Law	Report
	Correspondence	Legal Review	Resolution
	Draft GTC Notice	X Minutes	Rule (adoption packet)
	Draft GTC Packet	MOU/MOA	Statement of Effect
	E-poll results/back-up	Petition	Travel Documents
	Other: Describe		
	Budget Information:	 Budgeted – Grant Funded Other: <i>Describe</i> 	Unbudgeted
5.	Submission:		
	Authorized Sponsor:	Lisa Liggins, Secretary	
	Primary Requestor:		
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	CWILSON1	



Oneida Business Committee

Regular Meeting 8:30 AM Wednesday, January 13, 2021 BC Conference Room, 2nd floor, Norbert Hill Center

Minutes

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Tina Danforth, Secretary Lisa Liggins, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Marie Summers; Not Present: Councilwoman Jennifer Webster;

DRAFT

Arrived at: n/a:

Others present: Jo Anne House, Larry Barton, Debbie Thundercloud (via Microsoft Teams¹), Melinda J. Danforth (via Microsoft Teams), Tina Jorgenson (via Microsoft Teams), Pat Pelky (via Microsoft Teams), Jacqueline Smith (via Microsoft Teams), James Bittorf (via Microsoft Teams), Danelle Wilson (via Microsoft Teams), Nate Wisneski, Rae Skenandore (via Microsoft Teams), James Petitjean (via Microsoft Teams), Candace House (via Microsoft Teams), Chad Wilson, Nancy Barton (via Microsoft Teams), Mitch Metoxen (via Microsoft Teams), Mary Jo Nash (via Microsoft Teams);

Ι. **CALL TO ORDER**

Meeting called to order by Chairman Tehassi Hill at 8:33 a.m.

For the Record: Councilwoman Jennifer Webster is out sick.

П. **OPENING (00:00:26)**

Opening provided by Chairman Tehassi Hill.

ADOPT THE AGENDA (00:02:55) III.

Motion by Lisa Liggins to adopt the agenda as presented, seconded by Tina Danforth. Motion carried: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Ayes: Kirby Metoxen, Brandon Stevens, Marie Summers Jennifer Webster

Not Present:

¹ Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings

IV. MINUTES

A. Approve the December 18, 2020, special Business Committee meeting minutes (00:03:16)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the December 18, 2020, special Business Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers

Not Present: Jennifer Webster

B. Approve the December 23, 2020, regular Business Committee meeting minutes (00:03:44)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the December 23, 2020, regular Business Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Brandon Stevens, Marie Summers
Abstained:	Kirby Metoxen
Not Present:	Jennifer Webster

For the record: Councilman Kirby Metoxen stated I was on vacation that week.

V. RESOLUTIONS

A. Enter e-poll results into the record regarding the adopted BC resolution # 12-31-20-A (00:04:23)

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to enter the e-poll results into the record regarding the adopted BC resolution # 12-31-20-A, seconded by David P. Jordan. Motion carried:

Ayes:Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers
Jennifer Webster

VI. APPOINTMENTS

A. Determine next steps regarding three (3) Vacancies - Oneida Airport Hotel Corporation (00:04:50); (00:37:10) Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer this item until after executive session, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers Jennifer Webster

Item VI.B. was addressed next.

Motion by Lisa Liggins to request the Secretary to renotice the three (3) vacancies, seconded by Marie Summers. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Brandon Stevens, Marie Summers
Present:	Kirby Metoxen, Jennifer Webster

Item VI.B. was re-addressed next.

Not

B. Determine next steps regarding two (2) Oneida Police Department Representatives - Pardon and Forgiveness Screening Committee (00:05:26); (00:37:46) Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer this item until after executive session, seconded by David P. Jordan. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Kirby Metoxen, Brandon Stevens, Marie Summers
Not Present:	Jennifer Webster

Item VI.C. was addressed next.

Motion by Lisa Liggins to appoint Eric Boulanger as member and Ron King Jr. as alternate representative on the Pardon and Forgiveness Screening Committee with a term ending August 31, 2023, seconded by Tina Danforth. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Brandon Stevens, Marie Summers
Not Present:	Kirby Metoxen, Jennifer Webster

Item VI.C. was re-addressed next.

C. Determine next steps regarding two (2) Oneida Social Services Division Representatives - Pardon and Forgiveness Screening Committee (00:05:55); (00:38:24)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer this item until after executive session, seconded by Daniel Guzman King. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Kirby Metoxen, Brandon Stevens, Marie Summers
Not Present:	Jennifer Webster

Item VII.A. was addressed next.

Motion by Lisa Liggins to appoint Eli Metoxen as member and Mark W. Powless as representative on the Pardon and Forgiveness Screening Committee with a term ending August 31, 2023, seconded by David P. Jordan. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Brandon Stevens, Marie Summers
Not Present:	Kirby Metoxen, Jennifer Webster

Item IX.A.1. was addressed next

VII. NEW BUSINESS

A. Review request and determine next steps - CIP #14-002 Cemetery Improvements (00:06:31)

Sponsor: Nancy Barton, Tribal Member

Motion by Lisa Liggins to direct the General Manager in coordination with Land Management to bring back a status report at the January 27, 2021, regular Business Committee meeting, seconded by Kirby Metoxen. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Kirby Metoxen, Brandon Stevens, Marie Summers
Not Present:	Jennifer Webster

Motion by Brandon Stevens to direct the General Manager to bring back a status report on the maintenance contract at the January 27, 2021, regular Business Committee meeting, seconded by Marie Summers. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Kirby Metoxen, Brandon Stevens, Marie Summers
Not Present:	Jennifer Webster

Motion by Lisa Liggins to direct the General Manager to bring back a status report on the monitoring wells, amount of acreage, and suitability at the January 27, 2021, regular Business Committee meeting, seconded by Kirby Metoxen. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Kirby Metoxen, Brandon Stevens, Marie Summers
Not Present:	Jennifer Webster

B. Review the special election recommendation and determine next steps (00:27:15) Sponsor: Candace House, Chair/Oneida Election Board

Motion by Lisa Liggins to set the 2021 special election on July 10, 2021, per § 102.12-6, seconded by Tina Danforth. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Kirby Metoxen, Brandon Stevens, Marie Summers
Not Present:	Jennifer Webster

C. Approve the reinstatement of the Oneida Nation Arts Board - Government Services Division (00:28:14)

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to request an amendment to resolution # BC-11-24-20-C to reinstate the Oneida Nation Arts Board be brought back to the January 27, 2021, regular Business Committee meeting, seconded by Marie Summers. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Kirby Metoxen, Brandon Stevens, Marie Summers
Not Present:	Jennifer Webster



VIII. GENERAL TRIBAL COUNCIL

A. Approve January 2021 annual report mailing per BC resolution # 12-09-20-C (00:33:43)

DRAFT

Sponsor: Lisa Liggins, Secretary

Treasurer Tina Danforth left at 9:18 a.m.

Motion by Lisa Liggins to defer the January 2021 annual report mailing to the January 19, 2021, BC work session, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers Not Present: Tina Danforth, Jennifer Webster

IX. EXECUTIVE SESSION (00:36:24)

Motion by Brandon Stevens to go into executive session at 9:25 a.m., seconded by David P. Jordan. Motion carried:

Ayes:	Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,
	Brandon Stevens, Marie Summers
Not Present:	Tina Danforth, Jennifer Webster

Treasurer Tina Danforth returned at 9:42 a.m.

The Oneida Business Committee, by consensus, recessed at 12:01 p.m. to 1:31 p.m.

Chairman Tehassi Hill called the meeting to order at 1:31 p.m.

Roll call for the record:

Present: Treasurer Tina Danforth; Chairman Tehassi Hill; Councilman Daniel Guzman King; Councilman David P. Jordan; Secretary Lisa Liggins; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Council Member Marie Summers; Not Present: Councilwoman Jennifer Webster;

Councilman Kirby Metoxen left at 2:12 p.m. to attend a Native American Tourism of Wisconsin board meeting.

Motion by David P. Jordan to come out of executive session at 2:42 p.m., seconded by Brandon Stevens. Motion carried:

Ayes:

Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers Kirby Metoxen, Jennifer Webster

Item VI.A was re-addressed next

Not Present:

A. REPORTS

1. Accept the Chief Counsel report (00:38:40) Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Liggins to accept the Chief Counsel report, seconded by David P. Jordan. Motion carried:

DRAFT

Ayes:Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie SummersNot Present:Kirby Metoxen, Jennifer Webster

2. Accept the Intergovernmental Affairs, Communications, and Self-Governance January 2020 special report (00:38:54)

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Lisa Liggins to accept the Intergovernmental Affairs, Communications, and Self-Governance January 2020 special report, seconded by David P. Jordan. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Brandon Stevens, Marie Summers
Not Present:	Kirby Metoxen, Jennifer Webster

Motion by Lisa Liggins to schedule a special Business Committee meeting on February 2, 2021, at 3:30 p.m. to consider file #2021-0034 and file# 2021-0035, seconded by David P. Jordan. Motion carried:

Ayes:Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie SummersNot Present:Kirby Metoxen, Jennifer Webster

3. Accept the General Manager report (00:39:18)

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to accept the General Manager report, seconded by Marie Summers. Motion carried:

Ayes:Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Brandon Stevens, Marie SummersNot Present:Kirby Metoxen, Jennifer Webster

Motion by Lisa Liggins to direct the General Manager to bring forward a proposal to temporarily suspend the Nation's rule regarding the income requirement; direct the General Manager to conduct a comprehensive review of HUD rules/regulations and provide recommendations for amendments or program alternatives that would better serve the Nation's membership by May 1, 2021; and direct the General Manager to have a Pandemic Mortgage Assistance Program for unemployed households drafted for consideration for potential Pandemic Relief Assistance Funding, seconded by David P. Jordan. Motion carried:

Ayes:

Not Present:

Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers Kirby Metoxen, Jennifer Webster Β.

NEW BUSINESS

1. Review the recall request and determine next steps - Oneida Higher Education (00:40:19)

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to accept the recommendation of the Chief Financial Officer, in accordance with section 121.8-3(a) of the Budget Management and Control law noting that this will result in overspending on the identified budget line, seconded by David P. Jordan. Motion carried:

DRAFT

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers

Not Present: Kirby Metoxen, Jennifer Webster

Motion by Lisa Liggins to approve the recall request from Oneida Higher Education for one (1) Higher Education Advisor and one (1) Administrative Assistant for a period of two (2) months and that the General Manager shall research to determine applicability of CARES Act or other supplemental federal funding, seconded by David P. Jordan. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Brandon Stevens, Marie Summers
Not Present:	Kirby Metoxen, Jennifer Webster

2. Review the hour increase request and determine next steps - Marketing, Tourism, & Print Shop (00:40:58) Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to approve the hour increase request for Marketing, Tourism, & Print Shop, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers esent: Kirby Metoxen, Jennifer Webster

Not Present:

Ayes:

3. Review the posting request and determine next steps - Youth Enrichment Services (00:41:26)

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to approve the posting request from Youth Enrichment Services for two (2) YES Specialists, seconded by Daniel Guzman King. Motion carried:

Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers

Not Present: Kirby Metoxen, Jennifer Webster

4. Review the posting requests and determine next steps - Family Services (00:42:16)

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to approve the posting request from Family Services for one (1) Community Advocate (Child/Teen Female Advocate) and one (1) Community Advocate (Prevention) noting these positions are grant funded, seconded by David P. Jordan. Motion carried: Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liagins.

Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers

Not Present: Kirby Metoxen, Jennifer Webster

5. Approve the contract - O'Brien & Associates - file # 2020-0803 (00:42:55) Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to approve the contract with O'Brien & Associates - file # 2020-0803 pursuant to BC resolution 04-25-07-C, seconded by Marie Summers. Motion carried:

DRAFT

Abstained: [Not Present: }

Ayes:

Tina Danforth, Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers David P. Jordan Kirby Metoxen, Jennifer Webster

6. Review the lease agreement – file # 07202002C (00:43:28) Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to have the Finance Department meet with the Land Office, Land Commission, General Manager, Treasurer, and liaisons to Bay Bank to review acquisition and lease processes, including lease to purchase, to develop necessary processes to protect the Nation and the ability to meet land acquisition/lease financial needs and to direct the Legislative Operating Committee to review the Real Property law and related matters regarding acquisition and sale processes, seconded by David P. Jordan. Motion carried:

Ayes:	Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
	Brandon Stevens, Marie Summers
Not Present:	Kirby Metoxen, Jennifer Webster

 Review application(s) for three (3) vacancies - Oneida Airport Hotel Corporation (00:43:32)
 Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the discussion regarding the Oneida Airport Hotel Corporation vacancies as information, seconded by Daniel Guzman King. Motion carried:

Ayes:	 Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
-	Brandon Stevens, Marie Summers
Not Present:	Kirby Metoxen, Jennifer Webster

8. Review recommendation(s) for two (2) Oneida Police Department Representatives - Pardon and Forgiveness Screening Committee (00:43:37) Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the discussion regarding –the Pardon and Forgiveness Screening Committee recommendations as information, seconded by Daniel Guzman King. Motion carried:

Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers

Not Present: Kirby Metoxen, Jennifer Webster

9. Review recommendation(s) for two (2) Oneida Social Services Division Representatives - Pardon and Forgiveness Screening Committee (00:43:53) Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the discussion regarding –the Pardon and Forgiveness Screening Committee as information, seconded by Daniel Guzman King. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers esent: Kirby Metoxen, Jennifer Webster

Not Present:

Ayes:

Oneida Business Committee

X. ADJOURN (00:44:10)

Motion by Daniel Guzman King to adjourn at 2:52 p.m., seconded by David P. Jordan. Motion carried: Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers Not Present: Kirby Metoxen, Jennifer Webster

Minutes prepared by Chad Wilson, Senior Information Management Specialist. Minutes approved as presented on _____.

Lisa Liggins, Secretary ONEIDA BUSINESS COMMITTEE

Oneida Business Committee

Enter e-poll results into the record regarding the adopted BC resolution # 01-07-21-A

Business Committee Agenda Request

1.	Meeting Date Requested:	01-27-21	
2.	General Information: Session: X Open	Executive – must qualify Justification: <i>Choose rea</i>	Ū
3.	Supporting Documents:		
	Bylaws	Fiscal Impact Statement	Presentation
	Contract Document(s)	Law	Report
	Correspondence	Legal Review	Resolution
	Draft GTC Notice	Minutes	Rule (adoption packet)
	Draft GTC Packet	MOU/MOA	Statement of Effect
	E-poll results/back-up	Petition	Travel Documents
	Other: Describe		
4.	Budget Information: Budgeted Not Applicable Submission:	 Budgeted – Grant Funded Other: <i>Describe</i> 	Unbudgeted
•.		Ling Linging Constant	
	Authorized Sponsor:	Lisa Liggins, Secretary	
	Primary Requestor:		
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	CWILSON1	

Public Packet

21	of	145

From:	TribalSecretary
То:	<u>TribalSecretary;</u> <u>Brandon L. Yellowbird-Stevens;</u> <u>Cristina S. Danforth;</u> <u>Daniel P. Guzman;</u> <u>David P. Jordan;</u> <u>Ethel</u> <u>M. Summers;</u> <u>Jennifer A. Webster;</u> <u>Kirby W. Metoxen;</u> <u>Lisa A. Liggins;</u> <u>Tehassi Tasi Hill</u>
Cc:	Danelle A. Wilson; Rhiannon R. Metoxen; Kristal E. Hill; Chad A. Wilson; BC Agenda Requests
Subject:	E-POLL RESULTS: Adopt Resolution Entitled Extension of Declaration of Public Health State of Emergency Until February 11, 2021
Date:	Thursday, January 7, 2021 4:34:07 PM
Attachments:	Adopt Resolution Entitled Extension of the Public Health State of Emergency Until February 11, 2021.pdf

E-POLL RESULTS

The e-poll to Adopt Resolution Entitled Extension of Declaration of Public Health State of Emergency Until February 11, 2021, **has been approved**. As of the deadline, below are the results:

Support: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Brooke Doxtator BCC Supervisor Business Committee Support Office (BCSO)

office 920.869.4452 fax 920.869.4040

From: TribalSecretary <TribalSecretary@oneidanation.org>

Sent: Wednesday, January 6, 2021 2:19 PM

To: Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Cristina S. Danforth
<cdanfor4@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan
<djordan1@oneidanation.org>; Ethel M. Summers <esummer1@oneidanation.org>; Jennifer A.
Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa A.
Liggins liggins@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: Danelle A. Wilson <dwilson1@oneidanation.org>; Rhiannon R. Metoxen
<rmetoxe2@oneidanation.org>; TribalSecretary <TribalSecretary@oneidanation.org>
Subject: E-POLL REQUEST: Adopt Resolution Entitled Extension of Declaration of Public Health State of Emergency Until February 11, 2021.

E-POLL REQUEST

Summary:

This resolution extends the Nation's declaration of the Public Health State of Emergency until February 11, 2021. The Emergency Management Director and the Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of

COVID-19 throughout the State of Wisconsin, surrounding states, and the United States.

Justification for E-Poll: The current Declaration of Public Health State of Emergency expires on January 12, 2021.

Requested Action:

Adopt Resolution Entitled Extension of Declaration of Public Health State of Emergency Until February 11, 2021.

Deadline for response:

Responses are due no later than <u>4:30 p.m., THURSDAY, January 7, 2021.</u>

Voting:

- 1. Use the voting button above, if available; OR
- 2. Reply with "Support" or "Oppose".

Brooke Doxtator

BCC Supervisor Business Committee Support Office (BCSO)

office 920.869.4452 fax 920.869.4040

Public Packet Deadlines Oneid	23 of 145 Ja Business Committee Agenda Request
1. Meeting Date Requested:	<u>01</u> / <u>13</u> / <u>20</u>
2. General Information: Session: 🗙 Open 🗌 Exec	utive - See instructions for the applicable laws, then choose one:
Agenda Header: Resolutions	
Accept as Information onlyAction - please describe:	
	sider extending the Public Health State of Emergency, by adopting the attached
3. Supporting Materials	Contract
1. Statement of Effect	3.
2. Professional Recommen	ure required
5. Submission	
Authorized Sponsor / Liaison:	Tehassi Hill, Chairman
Primary Requestor/Submitter:	Melinda J. Danforth, Director o Intergovernmental Affairs & Communication Your Name, Title / Dept. or Tribal Member
Additional Requestor:	Name, Title / Dept.
Additional Requestor:	Name, Title / Dept.

6. Cover Memo:

Describe the purpose, background/history, and action requested:

On March 12, 2020 the Oneida Business Committee declared a Public Health State of Emergency due to the need to slow the transmission and decrease the spread of COVID 19. The declaration is set to expire on January 12, 2020 along with the Nation's Stay Safer at Home Declaration.

Attached is a professional recommendation from Emergency Management, Oneida Health Officials and the Public Health Officer recommending an extension of the Public Health Emergency.

Requested Action:

1. Business Committee consider extending the Public Health State of Emergency Declaration, by adopting the attached resolution.

1) Save a copy of this form for your records. Save a Copy...

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org



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



Statement of Effect

Extension of Declaration of Public Health State of Emergency Until February 11, 2021

Summary

This resolution extends the Nation's declaration of the Public Health State of Emergency until February 11, 2021.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office Date: January 4, 2021

Analysis by the Legislative Reference Office

The Oneida Business Committee adopted the Emergency Management and Homeland Security law for the purpose of providing for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; providing for the direction of emergency management, response, and recovery on the Reservation, as well as coordinating with other agencies, victims, businesses, and organizations; establishing the use of the National Incident Management System (NIMS); and designating authority and responsibilities for public health preparedness. *[3 O.C. 302.1-1]*.

Under the Emergency Management and Homeland Security law, the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease; and which poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(o)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than thirty (30) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-5].

As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. *[3 O.C. 302.8-1]*. The Oneida Business Committee has extended this Public Health State of Emergency until January 12, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, and BC-12-09-20-D. *[3 O.C. 302.8-5]*.

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a COVID-19 Core Decision Making Team. [3 O.C. 302.10]. When a public health emergency has been declared, the COVID-19 Core Decision Making Team has the authority to declare exceptions to the Nation's laws, policies, procedures, regulations, or standard operating procedures during the

emergency period which will be of immediate impact for the purposes of protecting the health, safety, and general welfare of the Nation's community, members, and employees. [3 O.C. 302.10-2]. These declarations remain in effect for the duration of the Public Health State of Emergency, unless identified to be effective for a shorter time period. [3 O.C. 302.10-3].

On March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "Safer at Home" declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. On April 21, 2020, the COVID-19 Core Decision Making Team issued an "Updated Safer at Home" declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, the COVID-19 Core Decision Making Team issued a "Safer at Home Declaration, Amendment, Open for Business" which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons. On June 10, 2020, the COVID-19 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. Then on July 17, 2020, the "Safe Re-opening Governmental Offices" declaration was issued which provides guidance on how buildings will be safely re-opened to the public.

The Emergency Management Director and the Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of COVID-19 throughout the State of Wisconsin, surrounding states, and the United States. This resolution provides that the Oneida Business Committee has determined that continuing the Public Health State of Emergency continues to be necessary.

Through the adoption of this resolution, in accordance with section 302.8-5 of the Emergency Management and Homeland Security law, the Oneida Business Committee extends the Public Health State of Emergency declaration until 11:59 p.m. on February 11, 2021.

Conclusion

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





To: Oneida Business Committee

- **From:** Debra Danforth, Oneida Comprehensive Health Division Operations Director Dr Vir, Oneida Comprehensive Health Division Medical Director Michelle Myers, Community/ Public Health Officer
- Date: January 5, 2021
- **RE:** Recommendations to extend public health emergency

Local and State level data demonstrates continued community spread of COVID19. In collaboration with Oneida Emergency Management, the health response team recommends the Oneida Business Committee extend the public health emergency, at minimum, through May 2021.

Thank you for your continued collaboration and partnership as we work together to stop the spread of COVID19 in the Oneida community.

Sincerely,

Michelle Myers BSN, RN Community/ Public Health Officer

CC: Kaylyn Gresham

Mailing Address: P.O. Box 365, Oneida, WI 54155

Oneida Comprehensive Health Division Oneida Community Health Center Behavioral Health Services Anna John Resident Centered Care Community Employee Health Nursing



Jan 5, 2021

Updated COVID19 data to consider during discussions to extend the Oneida Nation Public Health Emergency declaration.

Submitted by: Debbie Danforth, Dr Vir, Michelle Myers

Oneida Community Health Center Behavioral Health Services Anna John Resident Centered Care Community Employee Health Nursing Mailing Address: P.O. Box 365, Oneida, WI 54155 https://oneida-nsn.gov/resources/health/ 525 Airport Rd., Oneida, WI 54155 Phone: (920 2640 West Point Rd., Green Bay, WI 54304 Phone: (920 2901 S. Overland Rd., Oneida, WI 54305 Phone: (920 701 Packerland Dr., Green Bay, WI 54303 Phone: (920

Phone: (920) 869-2711 or 1-866-869-2711 Phone: (920) 490-3790 or 1-888-490-2457 Phone: (920) 869-2797 Phone: (920) 405-4492 Fax: (920) 869-1780 Fax: (920) 490-3883 Fax: (920) 869-3238 Fax: (920) 405-4494

Relevant COVID-19 Data:



WI Department of Health Services- Public Health https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data

U.S. Centers for Disease Control and Prevention https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days

U.S. Census Bureau American Community Survey Population Estimates https://data.census.gov/cedsci/advanced

Oneida Nation Health Department

https://oneida-nsn.gov/connect/news/oneida-nation-covid-19-resource-page/#Stats









WI Department of Health Services- Public Health retrieved 01/03/2021 <u>https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data</u>









WI Department of Health Services- Public Health retrieved 01/02/2021 https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data



Public Packet



WI Department of Health Services- Public Health retrieved 01/03/2021 https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data



WI Department of Health Services- Public Health retrieved 01/03/2021 https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data



Public Packet











Oneida Nation

Post Office Box 365



Phone: (920)869-2214

Oneida, WI 54155

1	1 BC Resolution #			
2 3	Extension of Declaration of Public Health State of Emergency Until February 11, 2021			
5 4 5 6	WHEREAS,	the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and		
7 8	WHEREAS,	the Oneida General Tribal Council is the governing body of the Oneida Nation; and		
9 10 11	WHEREAS,	the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and		
12 13 14 15 16	WHEREAS,	the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and		
17 18 19 20	WHEREAS,	state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and		
21 22 23 24 25 26 27 28	WHEREAS,	on March 12, 2020 the Chairman declared a Public Health State of Emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation's gaming operations, and insuring that employees will continued to be paid during the Public Health State of Emergency as long as the Nation's resources will allow; and		
29 30 31 32	WHEREAS,	the Public Health State of Emergency was extended by resolutions # BC-03-26-20-A, # BC-05-06-20-A, # BC-06-10-20-A, # BC-07-08-20-A, # BC-08-06-20-A, # BC-09-09-20-A, # BC-10-08-20-A, # BC-11-10-20-A, and # BC-12-09-20-D; and		
33 34 35 36	WHEREAS,	the status of the COVID-19 pandemic continues to change daily with identification of hotspots occurring within certain industries and areas which are more clearly identified in the Public Health Officer Report which supports this resolution; and		
37 38 39 40	WHEREAS,	a positive test does not identify the total number of individuals who have the virus, including those who are not showing symptoms or who have isolated themselves at home because not every person is tested; and		
40 41 42 43	WHEREAS,	the COVID-19 Core Decision Making Team has issued an Open for Business declaration, a less restrictive Stay Safer at Home declaration which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under		

BC Resolution

Extension of Declaration of Public Health State of Emergency Until February 11, 2021 Page 2 of 2

- 44 certain safer business practices, and social distancing should be practiced by all persons
 45 and finally a Re-opening Governmental Offices declaration that provides guidance on how
 46 buildings will be re-opened to the public which remain effective during the Public Health
 47 State of Emergency; and
- 49 WHEREAS,
 50 the Emergency Management Director and the Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of COVID-19 throughout the State of Wisconsin, surrounding states, and the United States; and
- WHEREAS,
 the Oneida Business Committee has determined that continuing the Public Health State of
 Emergency for continues to be necessary and that its declaration should be longer given
 the ongoing pandemic impact and the inability to identify mechanisms to control for
 infection or protect the public;

58

59 Extension of Public Health State of Emergency Declaration

60 **NOW THEREFORE BE IT RESOLVED**, that in accordance with section 302.8-5 of the Emergency 61 Management & Homeland Security Law, the Oneida Business Committee extends the Public Health State

62 of Emergency declaration ending at 11:59 p.m. on February 11, 2021.

Accept the January 4, Ozneida Business Conmittee Agenda Request

1. Meeting Date Requested: <u>1 / 27</u> / <u>21</u>

2. General Information:

Agenda Header: Standing Co	ommittees
Accept as Information onlyAction - please describe:	
	ammittae Meeting Minutes of January 4, 2021
BC to accept the Finance Co	ommittee Meeting Minutes of January 4, 2021.
3. Supporting Materials	
Report Resolution	Contract
⊠ Other:	
1. FC E-Polls approving 1/	4/21 Minutes 3.
2. FC Mtg Minutes of 1/4/2	21 4.
L	
🔲 Business Committee signati	ure required
4. Budget Information	
🔲 Budgeted - Tribal Contribut	ion 🔲 Budgeted - Grant Funded 🔄 Unbudgeted
5. Submission	
5. 505111551011	
Authonized Chenger (Lipison)	Cristina Danforth, Tribal Treasurer
Authorized Sponsor / Liaison:	Cristina Daniorth, fribai freasurei
	D i Minus Francistics Assistant to the CEO /Finance Administration
Primary Requestor:	Denise Vigue, Executive Assistant to the CFO /Finance Administration Your Name, Title / Dept. or Tribal Member
Additional Requestor:	Name Title / Dent
	Name, Title / Dept.
Additional Requestor:	
	Name, Title / Dept.
Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Oneida Business Committee acceptance of Minutes for the January 4, 2021 Finance Committee meeting. The Finance Committee is a Standing Committee of the OBC.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org





INTERNAL MEMO

TO: Finance Committee

- **FR:** Denise J. Vigue, Executive Assistant to the CFO & Finance Committee Support /Contact
- DT: January 5, 2021

RE: E-Poll Results - FC Meeting Minutes of January 4, 2021

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of Jan. 4, 2021. The E-Poll and minutes were sent out yesterday and concluded today. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority of <u>4</u> FC members voting to approve the Jan. 4, 2021 Finance Committee Meeting Minutes. FC Members voting included: Larry Barton, Jennifer Webster, Kirby Metoxen and Chad Fuss.

These Finance Committee Minutes of Jan. 4, 2021 will be placed on the next Finance Committee agenda to ratify this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for Council acceptance.

E-Polls of the Finance Committee meeting minutes is part of the FC By-Laws and approval conducted per the FC SOP's on Electronic Voting.

Finance Administration Office Phone: 920- 869-4325 FAO@oneidanation.org



FINANCE COMMITTEE

REGULAR MEETING

January 4, 2021 • Time: 9:00 A.M Via Microsoft Teams

REGULAR MEETING MINUTES

FC MEMBERS PRESENT (Via Teams):

Cristina Danforth, Treasurer/FC Chair Jennifer Webster, BC Council Member Chad Fuss, Asst. Gaming CFO Larry Barton, CFO/FC Vice-Chair Kirby Metoxen, BC Council Member

FC MEMBERS EXCUSED: Patrick Stensloff, Purchasing Director

OTHERS PRESENT (Via Teams): David Emerson, Andrew Doxtater, Linda Jenkins, Tracy Williams, Sharon Mousseau and Denise J. Vigue, taking notes

I. CALL TO ORDER: The FC Regular Meeting was called to order by the FC Chair at 9:05 A.M.

II. APPROVAL OF AGENDA: JANUARY 4, 2021

Motion by Kirby Metoxen to approve the Jan. 4, 2021 FC Meeting Agenda with one ADD ON Under New Business #3. Seconded by Jennifer Webster. Motion carried unanimously.

III. APPROVAL OF MINUTES: DECEMBER 14, 2020 (Approved via E-Poll on 12/14/20):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on Dec. 14, 2020 approving the Dec. 14, 2020 Finance Committee Meeting Minutes. Seconded by Larry Barton. Motion carried unanimously.

IV. APPROVAL OF SPECIAL E-POLL: Parata System LLC (Approved via E-Poll on 12/18/20):

Motion by Jennifer Webster to ratify the FC Special E-Poll action taken on Dec. 18, 2020 approving the Parata System LLC PO request for \$240,000.000. Seconded by Kirby Metoxen. Motion carried unanimously.

NOTE: Larry and Tina relayed that the requester submitted this in a very untimely fashion (after the 12/14/20 FC began) then proceeded to send multiple e-mails for a Special FC E-Poll. This not only creates additional work, but also does not follow the timelines for submitting requests that all areas know as it is posted and should have been distributed.

V. TABLED BUSINESS: None

VI. CAPITAL EXPENDITURES: None

Public Packet

VII. NEW BUSINESS:

1. FY21 Blanket PO – Casino Tech

Amount: \$149,454.37

David Emerson, Gaming Slots

David explained this is their primary supplier for machine parts; they have a little left on their current PO; this will take them through FY2021.

Motion by Larry Barton to approve the FY2021 Blanket Purchase Order for Casino Tech in the amount of \$149,454.37. Seconded by Jennifer Webster. Motion carried unanimously.

2. Data Financial – Maintenance AgreementAmount: \$959,860.Andrew Doxtator, Gaming Accounting

Andrew and Chad Fuss explained this is for one year of a 25 month agreement; this is a sole source, budgeted item to service all the machines in the casino; many counters (back of the house) run constantly so their life cycle and need for repairs is greater than average; there were questions on staff being able to assist in order to lower this cost; there will be a tour offered for any official wanting to see the operations.

Motion by Larry Barton to approve the Data Financial Maintenance Agreement for training and services in the amount of \$959,860.00. Seconded by Jennifer Webster. Motion carried unanimously.

Chad Fuss left the meeting.

3. ADD ON: Community Fund SOP's Discussion

Jennifer Webster, BC Council member

Jennifer noted that with the addition of the nature of the CF requests today, it seemed apparent that a discussion needs to be done first about criteria; she noted that at the 11/30/20 FC meeting the FC made a motion to suspend the SOP's until next summer due to extenuating circumstances related to the pandemic. This also stems from a previous request that was approved on 11/2/20 for personal equipment (weights) which is a prohibited item per the SOP's. Although it was approved due to extenuating health reasons and included a doctor's note this nevertheless opens up the CF to anyone wishing anything without the SOP's in place; which is not fair. After some discussion the FC did agree to have a special work meeting to come up with some criteria while the SOP's are suspended, but disagreed to put the current requests on hold until after the work meeting.

Motion by Kirby Metoxen to hold a Special Finance Committee meeting within the next two weeks to review the SOP's and clarify the criteria. Seconded by Jennifer Webster. Motion carried unanimously.

VIII. COMMUNITY FUND:

Report:

1. Monthly Community Fund Update for January 2021 Denise J. Vigue, Executive Assistant to the CFO

Motion by Jennifer Webster to approve the Community Funds Update Report for January 2021. Seconded by Kirby Metoxen. Motion carried unanimously.

1. Equip: CSC Recumbent Bike Requester: Todd Graves

Motion by Jennifer Webster to deny request. Motion failed for lack of support.

Motion by Kirby Metoxen to approve from the Community Fund the equipment request for a CSC Recumbent Bike in the amount of \$500.00. Seconded by Larry Barton. Jennifer Webster Opposed. Motion carried.

For the Record: Jennifer Webster said she opposed as she feels this is not fair to review before further discussion and clarification at the work meeting.

2. Equip: Peloton Bike

Requester: Connie Danforth

Motion by Larry Barton to approve this and the following CF request. Motion failed for lack of support.

Motion by Jennifer Webster to Table this and the following request until the next FC meeting. Seconded by Larry Barton. Kirby Metoxen abstained. Motion carried.

3. Equip: Peloton Bike

Requester: Connie Danforth for Avery

- SEE Motion in CF Request #2.

4. Equip: Bow Flex Home Gym Requester: Michelle Miller

Motion by Jennifer Webster to Table this request until the next FC meeting. Motion failed for lack of support.

Motion by Larry Barton to approve from the Community Fund the equipment request for a Bow Flex Home Gym in the amount of \$500.00. Seconded by Kirby Metoxen. Jennifer Webster Opposed. Motion carried.

For the Record: Jennifer Webster said she opposed as she feels this is not fair to review before further discussion and clarification at the work meeting.

5. Equip: Bow Flex VeloCore Bike Requester: Stacy Prevost

Motion by Larry Barton to approve from the Community Fund the equipment request for a Bow Flex VeloCore Bike in the amount of \$500.00. Seconded by Kirby Metoxen. Jennifer Webster Opposed. Motion carried.

For the Record: Jennifer Webster said she opposed as she feels this is not fair to review before further discussion and clarification at the work meeting.

41 of 145

Amount: \$500.

Amount: \$500.

Amount: \$500.

Amount: \$500.

Amount: \$500.

Public Packet

6. Kroc Community Center -Membership Requester: Nancy Barton

Motion by Kirby Metoxen to approve from the Community Fund the Kroc Community Center membership in the amount of \$500.00. Seconded by Jennifer Webster. Larry Barton abstained. Motion carried.

7. Driveway Shooters Basketball -RegistrationAmount: \$73.24Requester: Margaret Van Den Heuvel for Gage

Motion by Larry Barton to approve from the Community Fund the Driveway Shooters Basketball registration for the son of the requester in the amount of \$73.24. Seconded by Jennifer Webster. Motion carried unanimously.

8. Equip: Sunny Hill Elliptical

Requester: Stephanie Skenandore

Motion by Larry Barton to approve from the Community Fund the equipment request for a Sunny Hill Elliptical in the amount of \$450.00. Seconded by Kirby Metoxen. Jennifer Webster Opposed. Motion carried.

For the Record: Jennifer Webster said she opposed as she feels this is not fair to review before further discussion and clarification at the work meeting.

9. Pure Barre Class Registration Requester: Conner Kestell

Motion by Kirby Metoxen to approve from the Community Fund the Pure Barre Class Registration in the amount of \$500.00. Seconded by Jennifer Webster. Motion carried unanimously.

10. One Wisconsin Volleyball Club Fees

Requester: Sylvia Cornelius for Hannah

Motion by Larry Barton to approve from the Community Fund the request for the One Wisconsin Volleyball Club fees for the daughter of the requester in the amount of \$500.00. Seconded by Jennifer Webster. Motion carried unanimously.

11. Freedom Athletic Assn-Softball FeesAmount: \$50.Requester: Cindy John for Mylah

Motion by Larry Barton to approve from the Community Fund the request for the Freedom Athletic Association Softball fees for the daughter of the requester in the amount of \$50.00. Seconded by Jennifer Webster. Motion carried unanimously.

12. Basketball & Volleyball Training FeesAmount: \$550.Requester: Margaret Ellis for Majaria

Requester is asking for \$550 and it is understood the max per individual request is \$500.

Motion by Jennifer Webster to approve from the Community Fund the request for Basketball and Volleyball Training fees for the daughter of the requester in the amount of \$500.00. Seconded by Larry Barton. Motion carried unanimously.

Amount: \$500.

Amount: \$500.

Amount: \$500.

Amount: \$450.

Public Packet IX. EXECUTIVE SESSION:

Motion by Jennifer Webster to go into Executive Session. Seconded by Kirby Metoxen. Motion carried unanimously. Time: 10:29 A.M.

Motion by Larry Barton to come out of Executive Session. Seconded by Jennifer Webster. Motion carried unanimously. Time: 10:49 A.M.

1. Consultant Contract #2020-0726

Sharon Mousseau, Oneida Tribal Schools & Tracy Williams, Oneida Language Program

Motion by Jennifer Webster to approve the sole source contract only for this first year of a fiveyear grant with the stipulation that the position must be posted through HRD, using HRD's Fair Hiring Practices after the current school year ends. Seconded by Larry Barton. Kirby Metoxen Opposed. Motion carried.

X. ADMINISTRATIVE /INTERNAL: None

XI. FOLLOW UP: None

XII. FOR INFORMATION ONLY:

1. EVERI – (6) The Vault Lease Games David Emerson, Gaming Slots

Motion by Jennifer Webster to accept the EVERI (6) The Vault Lease Games information as FYI. Seconded by Larry Barton. Motion carried unanimously.

XIII. ADJOURN: Motion by Larry Barton to adjourn. Seconded by Kirby Metoxen. Motion carried unanimously. Time: 10:55 A.M.

Minutes submitted by: Denise J. Vigue, Executive Assistant to the CFO & Finance Committee Contact/Recording Secretary

Finance Committee Approval Date of Minutes via E-Poll: January 5, 2021

Oneida Business Committee Agenda Request Accept the January 18, 2021, regular Finance Committee meeting minutes

1. Meeting Date Requested: <u>1</u> / <u>27</u> / <u>21</u>

2. General Information:

	Session: 🔀 Open 🔲 Executive - See instructions for the applicable laws, then choose one:								
	Agenda Header: Standing Committees								
	⊠ Accept as Information only								
	Action - please describe:								
	BC to accept the Finance Committee Meeting Minutes of January 18, 2021								
3.	 3. Supporting Materials Report Resolution Contract Other: 								
	1. FC E-Polls approving 1/18/21 Minutes 3.								
	2.FC Mtg Minutes of 1/18/21 4.								
	Business Committee signature required								
4.	Budget Information								
5.	Submission								
	Authorized Sponsor / Liaison: Cristina Danforth, Tribal Treasurer								
	Primary Requestor: <u>Denise Vigue, Executive Assistant to the CFO /Finance Administration</u> Your Name, Title / Dept. or Tribal Member								
	Additional Requestor: Name, Title / Dept.								
	Additional Requestor: Name, Title / Dept.								

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Oneida Business Committee acceptance of Minutes for the January 18, 2021 Finance Committee meeting. The Finance Committee is a Standing Committee of the OBC.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org



INTERNAL MEMO

TO: Finance Committee

FR: Denise J. Vigue, Executive Assistant to the CFO & Finance Committee Support /Contact

DT: Jan. 18, 2021

RE: E-Poll Results - FC Meeting Minutes of January 18, 2021

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of Jan. 18, 2021. The E-Poll and minutes were sent out and concluded today. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority of <u>4</u> FC members voting to approve the Jan. 18, 2021 Finance Committee Meeting Minutes. FC Members voting included: Larry Barton, Jennifer Webster, Chad Fuss, and Kirby Metoxen.

These Finance Committee Minutes of Jan. 18, 2021 will be placed on the next Finance Committee agenda to ratify this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for Council acceptance.

E-Polls of the Finance Committee meeting minutes is part of the FC By-Laws and approval conducted per the FC SOP's on Electronic Voting.

Finance Administration Office Phone: 920- 869-4325 FAO@oneidanation.org



FC REGULAR MEETING

January 18, 2021 • Time: 9:00 A.M

Via Microsoft Teams

REGULAR MEETING MINUTES

FC MEMBERS PRESENT (Via Teams):

Cristina Danforth, Treasurer/FC Chair Jennifer Webster, BC Council Member Chad Fuss, Asst. Gaming CFO Larry Barton, CFO/FC Vice-Chair Kirby Metoxen, BC Council Member

FC MEMBERS EXCUSED: Patrick Stensloff, Purchasing Director

OTHERS PRESENT (Via Teams): Tony Doxtator, Jason Doxtator, Tim Skenandore, Wanda Diemel, and Denise J. Vigue, taking notes

- I. CALL TO ORDER: The FC Regular Meeting was called to order by the FC Chair at 9:02 A.M.
- II. APPROVAL OF AGENDA: JANUARY 18, 2021

Motion by Chad Fuss to approve the Jan. 18, 2021 FC Meeting Agenda. Seconded by Jennifer Webster. Motion carried unanimously.

III. APPROVAL OF MINUTES: JANUARY 4, 2021 (Approved via E-Poll on 1/4/21):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on Jan. 4, 2021 approving the Jan. 4, 2021 Finance Committee Meeting Minutes. Seconded by Larry Barton. Motion carried unanimously.

IV. APPROVAL OF WORK MINUTES: JANUARY 8, 2021 (Approved via E-Poll on 1/11/21):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on Jan. 11, 2021 approving the Jan. 8, 2021 Finance Committee Work Meeting Minutes. Seconded by Kirby Metoxen. Motion carried unanimously.

- V. TABLED BUSINESS: None
- VI. CAPITAL EXPENDITURES: None
- VII. NEW BUSINESS:
 - **1.** FY21 Blanket PO Vertiv Services, IncAmount: \$157,265.Tony Doxtator, MIS & Tim Skenandore, Gaming Facilities

This is for annual maintenance support of the power supplies (backup) for Gaming and Programs; past due, but no late fees.

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order for Vertiv Services, Inc. in the amount of \$157,265.00. Seconded by Larry Barton. Motion carried unanimously.

Public Packet VIII. DONATIONS:

1. Monthly Finance Committee Donation Update for January

Denise J. Vigue, Executive Assistant to the CFO

Motion by Jennifer Webster to approve the monthly Finance Committee Donation update for January. Seconded by Kirby Metoxen. Motion carried unanimously.

REQUESTS:

1. St. Joseph's Congregation Church - MaintenanceAmount: \$2,500.Requester: Rev. David C. Ruby

Motion by Jennifer Webster to approve the Donation request from St. Joseph's Congregation Church for annual maintenance in the amount of \$2,500.00. Seconded by Larry Barton. Motion carried unanimously.

2. Immaculate Conception Church - Maintenance Amount: \$2,500. Requester: Rev. David C. Ruby

Motion by Kirby Metoxen to approve the Donation request from the Immaculate Conception Church for annual maintenance in the amount of \$2,500.00. Seconded by Larry Barton. Motion carried unanimously.

3. Church of the Holy Apostles -Headstone
Requester: Rev. Rodger Patience, VicarAmount: \$2,500.

Motion by Larry Barton to approve the Donation request from the Church of the Holy Apostles for the purchase of a headstone in the amount of \$2,500.00. Seconded by Chad Fuss. Jennifer Webster and Kirby Metoxen abstained. Motion carried.

IX. EXECUTIVE SESSION: None

- X. ADMINISTRATIVE /INTERNAL: None
- XI. FOLLOW UP: None
- XII. FOR INFORMATION ONLY: None
- XIII. ADJOURN: Motion by Chad Fuss to adjourn. Seconded by Kirby Metoxen. Motion carried unanimously. Time: 9:19 A.M.

Minutes submitted by: Denise J. Vigue, Executive Assistant to the CFO & Finance Committee Contact/Recording Secretary

Finance Committee Approval Date of Minutes via E-Poll: January 18, 2021

Public Packet

Approve the Oneida Nation Emergency Planning Committee bylaw amendments

1. Meeting Date Requested: <u>1</u> / <u>27</u> / <u>21</u>

2. General Information:

Session: 🛛 Open 🔲 Executive - See instructions for the applicable laws, then choose one:							
Agenda Header: Standing Committees							
Accept as Information only							
Action - please describe:							
Adopt the amendments to the Oneida Nation Emergency Planning Committee Bylaws.							
3. Supporting Materials							
Report Resolution Contract							
⊠ Other:							
1. ONEPC Bylaws Amendments Adoption Packet 3.							
2 4							
Business Committee signature required							
4. Budget Information							
Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted							
5. Submission							
Authorized Sponsor / Liaison: David P. Jordan, Councilmember							
Primary Requestor/Submitter: Kristen M. Hooker, LRO Staff Attorney							
Your Name, Title / Dept. or Tribal Member							
Additional Requestor:							
Name, Title / Dept.							
Additional Requestor:							
Name, Title / Dept.							

1 2 2	ONEIDA NATION EMERGENCY PLANNING COMMITTEE BYLAWS					
3 4	Artic	le I. Authority				
5 6 7	1-1.	Name.	The name of this entity shall be the Oneida Nation Emergency Planning Committee and may be referred to as the ONEPC.			
8 9 10 11 12 13	1-2.	Establishment	The ONEPC was established under the Emergency Management law (f/k/a the Oneida Emergency Services Ordinance and Emergency Management and Homeland Security law, respectively), which was adopted by the Oneida Business Committee through resolution BC-7-15-98-A and subsequently amended by resolutions BC-12-20-06-G and BC-5-13-09-F.			
13 14 15 16	1-3.	Authority.	The ONEPC was established to serve as the Nation's emergency planning and oversight committee, responsible for including, but not limited to, the following:			
17 18 19		(a)	To assist the Director of the Emergency Management Department ("Director") in drafting and maintaining the Nation's Emergency Response Plan ("Plan");			
20 21		(b)	At the request of the Director, to assist with the implementation of the Emergency Management law and/or any Plan issued thereunder; and			
22 23 24 25		(c)	To carry out any other power and/or duty delegated to the ONEPC through the laws of the Nation, including, but not limited to, the Emergency Management law, as may be amended from time-to-time hereafter.			
26 27 28 29 30	1-4.	Office.	The official mailing address of the ONEPC shall be: c/o Office of Emergency Management P.O. Box 365 Oneida, Wisconsin 54155			
31 32 33 34 35 36 37 38 39 40 41 42 43	1-5.	<i>Membership.</i> (a)	 The ONEPC shall be made up as identified in this section. <i>Number of Members.</i> Subject to subsection (d) of this section, the ONEPC shall be comprised of between nine (9) and ten (10) members, plus eight (8) alternate members, (collectively "members") to be made up of the following individuals: (1) One (1) member and one (1) alternate member shall be employed within the Oneida Police Department; (2) One (1) member and one (1) alternate member shall be employed within the Nation's Division of Public Works; (3) One (1) member and one (1) alternate member shall be employed within the Nation's Comprehensive Health Division; (4) One (1) member and one (1) alternate member shall be employed within the Nation's Comprehensive Health Division; 			

44			Division;
45		(5)	One (1) member and one (1) alternate member shall be employed
46			within the Nation's Environmental, Health, Safety, Land and
47			Agriculture Division;
48		(6)	One (1) member and one (1) alternate member shall be employed
49			within the Nation's Gaming Division;
50		(7)	One (1) member and one (1) alternate member shall be employed
51			within the Nation's Governmental Services Division;
52		(8)	One (1) member and one (1) alternate member shall be employed
53			within the Nation's Comprehensive Housing Division; and
54		(9)	At least one (1) but no more than two (2) members shall be
55			representatives from the Oneida community.
56			(A) The number of community representative members shall be
57			decided by majority vote of the members present at an
58			ONEPC meeting of an established quorum.
59	(b)	Appoir	ntment. Members of the ONEPC shall be appointed by the Oneida
60			ess Committee in accordance with the Boards, Committees and
61			issions law.
62		(1)	The terms of the ONEPC membership shall be as follows:
63			(A) The term for members listed in section $1-5(a)(1)-(8)$ of these
64			bylaws shall coincide with the term of their employment
65			within the position that qualifies them for membership.
66			(B) The term for members listed in section $1-5(a)(9)$ of these
67			bylaws shall be three (3) years.
68		(2)	The ONEPC Chairperson shall review all application materials and
69			submit a recommendation for appointment to the Oneida Business
70			Committee in accordance with the Boards, Committees and
71			Commissions law.
72			(A) The recommendation of the ONEPC Chairperson shall be
73			determined by majority vote of the members present at an
74			ONEPC meeting of an established quorum.
75	(c)	Vacan	cies. Vacancies of the ONEPC shall be filled in accordance with the
76	(-)		s, Committees and Commissions law.
77		(1)	A seat on the ONEPC shall be considered vacant as follows:
78		(-)	(A) <i>End of Term.</i> A vacancy is effective as of 4:30 p.m. on the
79			last day of the month in which the term ends.
80			(i) Although a member's position is considered vacant
81			once his or her term ends, that member may remain
82			in office until a successor has been sworn in by the
83			Oneida Business Committee.
84			(B) <i>Termination of Appointment</i> . An ONEPC member may have
85			his or her appointment terminated by the Oneida Business
86			Committee in accordance with the Boards, Committees and
~~			

 (C) <i>Resignation.</i> An ONEPC member may resign at any tinverbally at a meeting or by delivering written notice to the Business Committee Support Office and the ONEPC Charperson or Chairperson's designee. The resignation is deem effective upon: (i) Deliverance of the written notices to the Busines Committee Support Office and the ONEPC Charperson or Chairperson's designee; or (i) Deliverance of the written notices to the Busines Committee Support Office and the ONEPC Charperson or Chairperson's designee; or (i) Deliverance of the written notices to the Busines Committee Support Office and the ONEPC Charperson or Chairperson's designee; or (ii) Acceptance by motion of the ONEPC of a member verbal resignation. (d) Qualifications of Members. (e) To qualify for membership on the ONEPC, all applicants must: (f) One (1) of the area representative members listed section 1-5(a)(1)-(8) of these bylaws may be a normember of the Oneida Nation. (f) Be at least twenty-one (21) years of age; (f) Be eligible to serve under the conflicts of interest provision set forth in the Boards, Committees and Commissions la 	the air- ned ess air- er's the I in con-
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	, IIO
	ıw;
108 and	
109 (D) Pass a background check.	
(i) Area representative members listed in section 1-5	(a)
111 (1)-(8) who passed a background check to be	an
employee of the Nation in their representative an	
shall be considered to have passed the backgrou	ınd
114 check required hereunder.	
115 (2) To qualify for membership under section $1-5(a)(1)-(8)$ of the	ese
bylaws, applicants must further:	
117 (A) Be an employee of the respective division, department	or
118 office they are applying to represent; and	
(B) Submit a letter of recommendation from the head of su	ıch
120 division, department or office.	
121	
122 1-6. <i>Termination</i> . Upon majority vote of the members present at an ONEPC meeting of	an
123 established quorum, the ONEPC may recommend that the Oneida Busine	
124 Committee terminate the appointment of an ONEPC member pursuant	
125 the Boards, Committees and Commissions law.	
126 (a) The ONEPC may recommend the Oneida Business Committee terminate	e a
127 member's appointment based on the following:	
128 (1) A member accumulates three (3) or more unexcused absences fro	om
a scheduled ONEPC meeting within a one (1) year period; or	

130 131 132			 (A) An ONEPC member shall be deemed unexcused if he or she fails to provide written notice of the absence to an ONEPC Officer at least thirty (30) minutes before the missed 		
133			meeting.		
134			(2) A material violation of these bylaws and/or any other laws or		
135			policies of the Nation.		
136					
137	1-7.	Trainings and	Conferences. Mandatory trainings/conferences for members of the ONEPC		
138			shall be as follows:		
139		(a)	Members are required to obtain a certificate of training for ICS 100 and ICS		
140			200 classes.		
141		(b)	At the Director's request, members shall attend the Wisconsin Emergency		
142			Management Governor's Conference and the Wisconsin Emergency		
143			Management Association Conference on an annual basis.		
144		(c)	Regardless of the number of trainings/conferences that he or she is required		
145			to attend, no ONEPC member shall be eligible to receive stipends for		
146			attending more than five (5) full days of mandatory trainings/conferences		
147			per year.		
148			(1) The Emergency Management Department will provide funding for		
149			registration, transportation and per-diem to any ONEPC member		
150			who attends either of the conferences listed in subsection (b) of this		
151			section.		
152			(2) ONEPC members must receive a signed travel authorization from		
153			the Director before attending a training or conference hereunder.		
154		H Off			
155		e II. Officers			
156	2-1.	Officers.	The ONEPC shall have three (3) Officer positions, consisting of a Chair-		
157			person, a Vice-Chairperson and a Secretary, who shall hold office for three		
158			(3) year terms.		
159 160	2-2.	Dagnongihiliti	as of the Chairmanan. The responsibilities duties and limitations of the		
161	2-2.	Responsibilitie	<i>es of the Chairperson.</i> The responsibilities, duties and limitations of the Chairperson shall be as follows:		
162		(a)	To call all meetings and, with the Secretary's assistance, notify all ONEPC		
162		(a)	members of meetings in accordance with these bylaws and the Boards,		
164			Committees and Commissions law;		
165		(b)	To preside over all meetings of the ONEPC;		
166		(b) (c)	To submit, or have submitted through a designee, annual and semi-annual		
167		(0)	reports to the Oneida General Tribal Council, as well as quarterly reports to		
168			the Oneida Business Committee, consistent with the Boards, Committees		
169			and Commissions law; and		
170		(d)	To attend, or designate an ONEPC member to attend, the Oneida Business		
171		(4)	Committee meeting in which the ONEPC's quarterly report appears on the		
172			agenda.		
			e		

173

174	2-3.	Responsibiliti	es of the Vice-Chairperson. The responsibilities, duties and limitations of the
175			Vice-Chairperson shall be as follows:
176		(a)	To preside over all meetings of the ONEPC in the absence of the Chair-
177			person and appoint a Vice-Chairperson for that meeting;
178		(b)	To work with the Chairperson on all matters that concern the ONEPC; and
179		(c)	In the event of a vacancy of the Chairperson, to fill the Chairperson position
180			until such time as an election can be held in accordance with section 2-6 of
181			these bylaws.
182			
183	2-4.	Responsibiliti	es of the Secretary. The responsibilities, duties and limitations of the
184		1	Secretary shall be as follows:
185		(a)	To ensure that the minutes of all ONEPC meetings are recorded, reported
186		()	and maintained in accordance with these bylaws, the Boards, Committees
187			and Commissions law, and the Open Records and Open Meetings law;
188		(b)	In the event both the Chairperson and Vice-Chairperson positions become
189		(0)	vacant before the end of their terms, to call ONEPC meetings to fill the
190			vacancies and to preside over the meetings for the sole purpose of
191			conducting an election of new Officers, at which point the Chairperson, or
192			Vice-Chairperson in the absence of the Chairperson, shall preside; and
193		(c)	To assist the Chairperson in providing the notice in section $2-2(a)$ of these
194		(\mathbf{c})	by laws and, at least seventy-two (72) hours before each meeting, to further
195			provide notice of all meetings, meeting agendas, documents and minutes
196			pursuant to these bylaws, the Boards, Committees and Commissions law,
190			and the Open Records and Open Meetings law.
197			and the Open Records and Open Meetings law.
198	2-5.	Ad Hoc Com	<i>nittees</i> . The ONEPC may create ad hoc committees when it deems necessary
200	2-3.	Au Hoe Comm	to serve at the pleasure of the ONEPC.
200		(a)	Ad hoc committees of the ONEPC shall be created, operated and dissolved
201		(u)	in accordance with the Boards, Committees and Commissions law.
202		(b)	Ad hoc committees may contain non-ONEPC members.
203		(c)	Members of ad hoc committees shall not be eligible for stipends unless a
204		(0)	specific exception is made by the Oneida Business Committee or Oneida
205			General Tribal Council.
200			General Illoar Council.
207	2-6.	Selection of (Officers. ONEPC Officers shall be elected by a majority vote of the members
208	2-0.	Selection of C	present at an ONEPC meeting of an established quorum.
209		(a)	Members may be dismissed from their Officer positions by a majority vote
210		(a)	of the members present at an ONEPC meeting of an established quorum.
211 212		(b)	1 0 1
		(b)	In the event of a vacancy before the end of an Officer's term, a successor shall be alasted by majority yets of the members present at an ONEPC
213			shall be elected by majority vote of the members present at an ONEPC
214		(a)	meeting of an established quorum for the duration of the unexpired term.
215		(c)	Officers shall hold no more than one (1) Officer position per Officer term.

216			
217	2-7.	Purchases an	<i>d Travel.</i> The ONEPC shall follow the Nation's policies and procedures
218			regarding purchasing and sign-off authority.
219		(a)	The levels of budgetary sign-off authority for the ONEPC shall be as set
220		(")	forth in the manual titled, <i>Oneida Tribe of Indians of Wisconsin Purchasing</i>
221			<i>Policies and Procedures,</i> for Area Directors/Enterprise Directors.
222			(1) All ONEPC Officers have sign-off authority and two (2) Officers
223			shall be required to sign-off on all budgetary requests.
223			(A) Upon formal approval of a purchase by the ONEPC, the
224			Business Committee Support Office shall have official
225			budgetary sign-off authority for the ONEPC.
220		(b)	
		(b)	The ONEPC shall approve a member's request to travel on behalf of the
228			ONEPC by majority vote of the members present at a regular or emergency
229			ONEPC meeting of an established quorum.
230	•		
231	2-8.	Personnel.	The ONEPC shall not have the authority to hire personnel for the benefit of
232			the ONEPC.
233			
234		e III. Meeting	
235	3-1.	Regular Mee	tings. Meetings of the ONEPC shall be held every month during regular
236			business hours at a location within the Reservation boundaries.
237		(a)	The date, time and location of the meetings shall be set at the first ONEPC
238			meeting of an established quorum by majority vote of the members present.
239			(1) The ONEPC meeting date, time and/or location may change from
240			time-to-time as determined by majority vote of the members present
241			at an ONEPC meeting of an established quorum so long as notice is
242			provided in accordance with the Nation's Open Records and Open
243			Meetings law prior to the implementation of a new date, time and/or
244			location.
245		(b)	The Secretary shall provide written notice of meeting agendas, documents,
246			and minutes to all ONEPC members at least seventy-two (72) hours before
247			each meeting and shall further provide notice of the same in accordance
248			with the Nation's Open Records and Open Meetings law.
249		(c)	ONEPC meetings may be attended in person, by telephone, through video-
250			conferencing or through other telecommunications so long as presence at
251			the meeting occurs and is demonstrated in accordance with the Boards,
252			Committees and Commissions law.
253		(d)	Unless it would conflict with an express provision of these bylaws or the
254			Boards, Committees and Commissions law, Robert's Rules of Order shall
255			be used as a guideline when conducting meetings of the ONEPC.
256			
257	3-2.	Semi-Annual	<i>Meetings</i> . The ONEPC may hold semi-annual meetings with certain entities
258			of the Nation for the purpose of providing emergency planning, training and

259			education.
260		(a)	Semi-annual meetings of the ONEPC shall not qualify as a meeting for
261			purposes of stipend eligibility.
262			
263	3-3.	Emergency M	<i>Meetings</i> . An emergency meeting of the ONEPC may be called when an issue
264			arises requiring immediate action by the ONEPC that cannot wait until its
265			next regularly scheduled meeting.
266		(a)	Emergency meetings of the ONEPC may be called by the Chairperson or
267			Vice-Chairperson.
268		(b)	The Secretary shall provide notice to all ONEPC members in writing, as
269			well as by telephone call, at least twenty-four (24) hours before the
270			scheduled meeting and shall further provide notice in accordance with the
271			Nation's Open Records and Open Meetings law.
272			(1) Written notice provided via email communication must be sent to
273			the official Oneida Nation email address provided to all members to
274			conduct business electronically on behalf of the ONEPC.
275		(c)	Emergency ONEPC meetings may be attended in person, by telephone,
276		(•)	through video-conferencing or through other telecommunications so long
277			as presence at the meeting occurs and is demonstrated in accordance with
278			the Boards, Committees and Commissions law.
279		(d)	Within seventy-two (72) hours after an emergency meeting, the ONEPC
280		(4)	shall provide the Nation's Secretary with notice of the emergency meeting,
281			the reason for the emergency meeting, and an explanation as to why the
282			matter could not wait until the next regular meeting.
283			
284	3-4.	Joint Meeting	gs. Joint meetings between the ONEPC and the Oneida Business Committee
285	5 1.		shall not be held.
286			
287	3-5.	Quorum.	A quorum of the ONEPC shall consist of no less than a simple majority of
288	00.	£	the current membership, one of which shall be the Chairperson or Vice-
289			Chairperson.
290		(a)	In lieu of the Chairperson or Vice-Chairperson, the Secretary may complete
291		("	a quorum for any meeting called pursuant to section 2-4(b) of these bylaws.
292			a quorum for any meeting cance parsuant to section 2 ((c) of these synaws.
293	3-6.	Order of Rus	<i>iness</i> . The regular meetings of the ONEPC shall follow the order of business
294	5 0.	Order of Bus	as set out herein:
295		(a)	Call to Order
296		(b)	Adopt the Agenda
297		(c)	Approval of Minutes
298		(d)	Old Business
299		(u) (e)	New Business
300		(C) (f)	Emergency Management Director Report
301		(I) (g)	Ad Hoc Committee Reports
501		(5)	

 (i) Open Session (j) Adjournment 3-7. Voting. The ONEPC shall make decisions by majority vote of its members present at any ONEPC meeting of an established quorum. 306 (a) The Chairperson, or Vice-Chairperson if presiding in lieu of the Chairperson or Secretary if presiding under section 2-4(b) of these bylaws, shall vote only in the event of a tie. 311 (b) E-polls shall not be permissible for voting purposes. 313 Article IV. Expectations 314 4-1. Behavior of Members. 315 (a) Attendance and participation are important contributors to the ONEPC's effectiveness. Members shall prepare for and attend all ONEPC meetings unless excused in accordance with these bylaws. 318 (b) Members shall comply with these bylaws and any other governing laws and/or or polices of the Nation. 320 (c) Community representative members serve as the ONEPC's community liaison and are expected to conduct themselves in a professional manner when acting in said capacity. 323 (d) <i>Exforcement</i>. Members found in violation of this section may be subject to one or more of the following as determined by majority vote of the members present at an ONEPC meetings of the Nation. 326 (1) A request for the member's resignation; 327 (2) A recommendation to the Oneida Business Committee to terminate the member's appointment pursuant to the Boards, Committees and Commissions law; 330 (3) A notice of violation to the chairperson of Officier designated by the Chairperson of Officer designated within the Nation; and/or (4) Disciplinary action in accordance with any law of the Nation governing sanctions and penaltics for appointed officials. 338 (e) Prior to acting under subsection (d) of this section. (A) The certified letter form the Chairperson or Officer designate within the Nation; an	302			(h)	Other Business
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343 (2) If the member provides a timely response to the Chairperson or					
Officer designee, the ONEPC will decide by majority vote of the					
	344				Officer designee, the ONEPC will decide by majority vote of the

345				members present at a meeting of an established quorum whether,
346				based on the response, the member should be subject to enforcement
347				under subsection (d) of this section or a lesser form of corrective
348				action.
349				
350	4-2.	Prohibition of	f Violen	<i>ce.</i> Members of the ONEPC are prohibited from committing any
351			intenti	onally violent act that inflicts, attempts to inflict, or threatens to inflict
352			emotio	nal or bodily harm on another person or damage to personal property.
353				
354	4-3.	Drug and Alco	ohol Us	<i>e</i> . All members of the ONEPC are prohibited from using alcohol or
355		0		ited drugs while acting in the official capacity as an ONEPC member.
356			1	
357	4-4.	Social Media.	All me	mbers of the ONEPC shall be required to follow the Oneida Nation's
358				Media Policy and their oath of office when acting in their official
359				ty as an ONEPC member.
360			· · · · ·	
361	4-5.	Conflict of Inte	erest. M	embers of the ONEPC shall abide by all laws of the Nation governing
362		5 5		ts of interest.
363		(a)		unity representative members shall be required to sign a
364				entiality agreement before serving in their official capacity on the
365			ONEP	
366				
367	Artic	le V. Stipends a	and Cor	npensation
368	5-1.	Stipends.		dent upon available budgeted funds, stipend eligibility shall be as set
369		1	-	in and subject to these bylaws; the Boards, Committees and
370				issions law; resolution BC-08-12-20-C titled, Amended Boards,
371				ittees and Commissions Law Stipends, as may be further amended
372				me-to-time hereafter; and as follows:
373		(a)		unity Representatives. The community representative member(s) of
374				IEPC shall be eligible to receive:
375			(1)	No more than twelve (12) meeting stipends per fiscal year, provided
376				that:
377				(A) A quorum was established;
378				(B) The meeting of the established quorum lasted for a minimum
379				of one (1) hour; and
380				(C) The community representative member collecting the
381				stipend was present for the entire meeting as defined and
382				demonstrated in accordance with the Boards, Committees
383				and Commissions law.
384			(2)	A stipend for attending a Judiciary hearing so long as the community
385				representative member's attendance at the hearing was required by
386				official subpoena.
387			(3)	A stipend for attending a conference or training, provided that:
			~ /	

388 389 390 391 392			(A)	The amount of stipend the member is eligible to receive for attending a conference or training shall be dependent on whether the member attended up to four (4) hours of the conference/training or more than four (4) hours of the conference/training; and
393 394 395			(B)	The community representative member's attendance at the conference or training was required by law, bylaws or resolution.
396		(b)	Area Renrese	entatives. ONEPC members appointed under section 1-5(a)(1)-
397		(0)	-	by laws shall not collect stipends despite their eligibility under
398			• •	Committees and Commissions law.
399			the Dourds, C	commutees and commissions law.
400	5-2.	Compensation		el, per diem and business expense reimbursement as authorized
401				bards, Committees and Commissions law, ONEPC members
402				eligible for any other type of compensation for duties/activities
403		(-)	<i>v</i> 1	on behalf of the ONEPC.
404		(a)		ndance at the training or conference, along with all necessary
405			1	or reports in support of a member's allowable expenses, must
406			1	to the Director of the Emergency Management Department
407			before ment	pers may qualify for compensation hereunder.
408	A	. VI Decenda	and Danautin	-
409		e VI. Records	-	
410 411	6-1.	Agenua tiems.	-	nda items shall follow the format identified in section 3-6 of as the <i>Order of Business</i> .
412				
413	6-2.	Minutes.		l be typed and in a format that is consistent with the format
414				the Business Committee Support Office to generate the most
415				record of the ONEPC meetings.
416		(a)		n by the ONEPC are valid once the corresponding minutes are
417				the ONEPC; provided, the minutes are recorded, transcribed,
418				d filed/maintained in accordance with these bylaws.
419		(b)		shall be submitted to the Business Committee Support Office
420			within thirty	(30) days of their approval by the ONEPC.
421				
422	6-3.	Attachments.	· · · · · · · · · · · · · · · · · · ·	eports, memoranda and the like shall be attached to their
423			1	g minutes and agenda and maintained in accordance with the
424 425			Nation's Ope	en Records and Open Meetings law.
426	6-4.	Onoida Rusin	ass Committe	e Liaison. The ONEPC shall regularly communicate with the
427	0-4.		member of the	ne Oneida Business Committee who is its designated liaison.
428		(a)	-	cy and method of communication shall be as agreed upon by
429				and the liaison, but not less than that required in any law or
430			policy on rep	porting developed by the Oneida Business Committee or the

431			Oneida General Tribal Council.
432		(b)	The purpose of the liaison relationship is to uphold the ability of the liaison
433			to act as support to the ONEPC.
434			
435	6-5.	Audio Record	<i>lings</i> . All meetings of the ONEPC shall be audio recorded by the Secretary or
436			Secretary's designee using a device provided or approved by the Business
437			Committee Support Office.
438		(a)	Audio recordings of ONEPC meetings shall be maintained in accordance
439			with the Nation's Open Records and Open Meetings law.
440		(b)	<i>Exception.</i> Audio recordings of executive session portions of an ONEPC
441			meeting shall not be required.
442			
443	Artic	le VII. Amendi	ments
444	7-1.		to Bylaws. Amendments may be made to these bylaws at a regular ONEPC
445			meeting of an established quorum; provided, written notice of the proposed
446			amendments was made at a prior regular meeting and in accordance with
447			these bylaws, as well as any governing provisions of the Nation's Open
448			Records and Open Meetings law.
449		(a)	A two-thirds vote of the members present at an ONEPC meeting of an
450			established quorum is required to amend these bylaws and amendments
451			are effective upon adoption by the ONEPC and approval by the Oneida
452			Business Committee, as well as the Oneida General Tribal Council if
453			required.
454		(b)	Any amendments to these bylaws shall conform to the requirements of the
455			Boards, Committees and Commissions law, as well as any other policy of
456			the Nation.
457		(c)	The ONEPC shall conduct a review of these bylaws no less than on an
458			annual basis.
459			
460	Artic	le VIII. Dissolu	ition
461	8-1.	Dissolution of	f the ONEPC. The ONEPC shall be dissolved only by motion of the Oneida
462		0	General Tribal Council or the Oneida Business Committee.
463		(a)	In the event of dissolution of the ONEPC, the Chairperson and Secretary
464			shall be responsible for closing out all open business of the ONEPC and
465			forwarding all materials and records to the Business Committee Support
466			Office for proper storage and disposal.
467			(1) Unless otherwise granted an extension per the Boards, Committees
468			and Commission law, all open business shall be closed out and all
469			materials and records forwarded to the Business Committee Support
470			Office within two (2) weeks of dissolution.
471			
472			
473			
-			

474	
476	These bylaws, as amended and revised, are hereby attested to as adopted by the Oneida Nation
477	Emergency Planning Committee at a duly called meeting by the Chairperson's signature on this
478	day of, 202
479	
480	Chairperson
481	Emergency Planning Committee
482	
483	and approved by the Oneida Business Committee at a duly called meeting held on this day
484	of, 202 by the Secretary of the Oneida Business Committee's signature.
485	
486	
487	Lisa Liggins, Secretary
488	Oneida Business Committee

ONEIDA NATION EMERGENCY PLANNING COMMITTEE 1 2 **BYLAWS** 3 4 **Article I. Authority** 5 1-1 Name. The name of this entity shall be the Oneida Nation Emergency Planning 6 Committee and may be referred to as the ONEPC. 7 8 1-2. Establishment. The ONEPC was established under the Emergency Management law (f/k/a 9 the Oneida Emergency Services Ordinance and Emergency Management 10 and Homeland Security law, respectively), which was adopted by the Oneida Business Committee through resolution BC-7-15-98-A and 11 12 subsequently amended by resolutions BC-12-20-06-G and BC-5-13-09-F. 13 14 1-3. Authority. The ONEPC was established to serve as the Nation's emergency planning 15 and oversight committee, responsible for including, but not limited to, the 16 following: To assist the Director of the Emergency Management Department 17 (a) 18 ("Director") in drafting and maintaining the Nation's Emergency Response 19 Plan ("Plan"); 20 At the request of the Director, to assist with the implementation of the (b) 21 Emergency Management law and/or any Plan issued thereunder; and 22 To carry out any other power and/or duty delegated to the ONEPC through (c) 23 the laws of the Nation, including, but not limited to, the Emergency 24 Management law, as may be amended from time-to-time hereafter. 25 26 Office. The official mailing address of the ONEPC shall be: 1-4. 27 c/o Office of Emergency Management 28 P.O. Box 365 29 Oneida, Wisconsin 54155 30 31 1-5. Membership. The ONEPC shall be made up as identified in this section. 32 Number of Members. Subject to subsection (d) of this section, the ONEPC (a) 33 shall be comprised of between seven (7nine (9) and eight (8ten (10) 34 members, plus six (6eight (8) alternate members. (collectively "members") to be made up of the following individuals: 35 36 One (1) member and one (1) alternate member shall be employed (1)within the Oneida Police Department; 37 One (1) member and one (1) alternate member shall be employed 38 (2)within the Nation's Division of Public Works; 39 40 One (1) member and one (1) alternate member shall be employed (3) within the Nation's Comprehensive Health Division; 41 42 One (1) member and one (1) alternate member shall be employed (4) 43 within the Nation's Community Economic and Development

Draft 1 for OBC Consideration <u>20202021</u> 01 <u>2027</u>

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44			Divisi	•
45		(5)	One (1) member and one (1) alternate member shall be employed
46			withir	n the Nation's Environmental, Health, Safety, Land and
47			Agric	ulture Division;
48		(6)	One (1) member and one (1) alternate member shall be employed
49				the Nation's Gaming Division; and
50	(7	(7)		1) member and one (1) alternate member shall be employed
51	、 <u> </u>			the Nation's Governmental Services Division;
52		(8)		1) member and one (1) alternate member shall be employed
53		<u> </u>		the Nation's Comprehensive Housing Division; and
54		<u>(9)</u>		ast one (1) but no more than two (2) members shall be
55		<u> </u>		sentatives from the Oneida community.
56			(A)	The number of community representatives representative
57		m	· · ·	shall bedecidedby majority
58		-		e members present at anONEPC
59				meeting of an established quorum.
60	(b)	Annoi	ntment	Members of the ONEPC shall be appointed by the Oneida
61	(0)			mmittee in accordance with the Boards, Committees and
62			nissions	
63		(1)		erms of the ONEPC membership shall be as follows:
64		(1)	(A)	The term for members listed in section $1-5(a)(1)-(68)$ of
65		these	(Л)	by laws shall coincide with the term of their employment
66		these		within the position that qualifies them for membership.
			(\mathbf{D})	1 1 1
67			(B)	The term for members listed in section $1-5(a)(79)$ of these by low a shall be three (2) wears
68		(2)		bylaws shall be three (3) years.
69 70		(2)		ONEPC Chairperson shall review all application materials and
70				t a recommendation for appointment to the Oneida Business
71				nittee in accordance with the Boards, Committees and
72				nissions law.
73			(A)	The recommendation of the ONEPC Chairperson shall be
74				determined by majority vote of the members present at an
75				ONEPC meeting of an established quorum.
76	(c)			acancies of the ONEPC shall be filled in accordance with the
77		Board		mittees and Commissions law.
78		(1)	A sea	t on the ONEPC shall be considered vacant as follows:
79			(A)	End of Term. A vacancy is effective as of 4:30 p.m. on the
80				last day of the month in which the term ends.
81				(i) Although a member's position is considered vacant
82				once his or her term ends, that member may remain
83				in office until a successor has been sworn in by the
84				Oneida Business Committee.
85			(B)	Termination of Appointment. An ONEPC member may have
86			. /	his or her appointment terminated by the Oneida Business

I			Draft 1 for OBC Consideration 20202021 01 2027
87		Commi	ttee in accordance with the Boards, Committees and
88			ssions law.
89			tion. An ONEPC member may resign at any time
90 91			v at a meeting or by delivering written notice to the
91 92			s Committee Support Office and the ONEPC Chair- or Chairperson's designee. The resignation is deemed
93		effectiv	
94			Deliverance of the written notices to the Business
95			Committee Support Office and the ONEPC Chair-
96			person or Chairperson's designee; or
97			Acceptance by motion of the ONEPC of a member's
98			verbal resignation.
99 100		(d) Qualifications of Mem	
100			nembership on the ONEPC, all applicants must: <u>pt as provided herein, be an</u> enrolled
101		membersmember of the	Oneida Nation;
103		(B) Reside	within the boundaries of the Oneida Nation;
104			(i) One (1) of the area
105		representative members listed in	
106		of these bylaws may be a non-	member of the
107		Oneida Nation.	
100		(\mathbf{D}) $\mathbf{D}_{2} \rightarrow 1$	- + + + + + + + + +
108			ast twenty-one (21) years of age;
109		(D <u>C</u>) Be elig	ble to serve under the conflicts of interest provisions
109 110		(⊕ <u>C</u>) Be elig set fort	• • • • • •
109		(⊕ <u>C</u>) Be elig set fort and	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law;
109 110 111		(⊕ <u>C</u>) Be elig set fort and (<u></u> E <u>D</u>) Pass a b	ble to serve under the conflicts of interest provisions
109 110 111 112		(⊕C) Be elig set fort and (ED) Pass a b (i)	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; packground check.
109 110 111 112 113 114 115		(⊕C) Be elig set fort and (ED) Pass a b (i)	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area
109 110 111 112 113 114 115 116		(⊕C) Be elig set fort and (ED) Pass a b (i)	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. <u>Area representative members listed in section 1-5(a)</u> (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background
109 110 111 112 113 114 115 116 117		(⊕C) Be elig set fort and (ED) Pass a b (i)	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; ackground check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder.
109 110 111 112 113 114 115 116 117 118		(⊕C) Be elig set fort and (ED) Pass a b (i) (2) To qualify for	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section 1-5(a)(1)-($\underline{68}$) of these
109 110 111 112 113 114 115 116 117 118 119		(⊕C) Be elig set fort and (⊕D) Pass a b (i) (2) To qualify for bylaws, applica	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section $1-5(a)$ (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section $1-5(a)(1)-(68)$ of these ints must further:
109 110 111 112 113 114 115 116 117 118 119 120		 (ĐC) Be eligy set fort and (ED) Pass a b (i) (2) To qualify for bylaws, applica (A) Be an offer the set of the set	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section $1-5(a)$ (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section $1-5(a)(1)-(68)$ of these ints must further: employee of the respective division, department or
109 110 111 112 113 114 115 116 117 118 119 120 121		 (ĐC) Be eligi set fort and (ED) Pass a b (i) (2) To qualify for bylaws, applica (A) Be an office t 	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section 1-5(a)(1)-(68) of these ints must further: employee of the respective division, department or ney are applying to represent; and
109 110 111 112 113 114 115 116 117 118 119 120		 (₱℃) Be eligiset fortand (₱℃) Be eligiset fortand (₱℃) Pass a bar (i) (1) (2) To qualify for bylaws, application (A) Be an office to office to office to an and the second sec	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section $1-5(a)$ (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section $1-5(a)(1)-(68)$ of these ints must further: employee of the respective division, department or
109 110 111 112 113 114 115 116 117 118 119 120 121 122		 (₱℃) Be eligiset fortand (₱℃) Be eligiset fortand (₱℃) Pass a bar (i) (1) (2) To qualify for bylaws, application (A) Be an office to office to office to an and the second sec	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; eackground check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section 1-5(a)(1)-(68) of these ints must further: employee of the respective division, department or ney are applying to represent; and a letter of recommendation from the head of such
109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125	1-6.	 (₱℃) Be eligi set fort and (₱℃) Pass a b (i) (1) (2) To qualify for bylaws, applica (A) Be an office t (B) Submit division <i>Termination.</i> Upon majority vote o 	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; eackground check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section 1-5(a)(1)-(68) of these ints must further: employee of the respective division, department or ney are applying to represent; and a letter of recommendation from the head of such a, department or office.
109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126	1-6.	 (₱℃) Be eliging set fort and (₱℃) Pass a begin (1) (1) (2) To qualify for bylaws, application (A) Be and office times of the submit division office times of the submit division the stablished quorum, the stablished quorum, the set of the set of	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section 1-5(a)(1)-(68) of these ints must further: employee of the respective division, department or ney are applying to represent; and a letter of recommendation from the head of such a, department or office.
109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127	1-6.	 (ĐC) Be elig set fort and (ED) Pass a b (i) (2) To qualify for bylaws, applica (A) Be an o office t (B) Submit division <i>Termination.</i> Upon majority vote o established quorum, the Committee terminate 	ble to serve under the conflicts of interest provisions in the Boards, Committees and Commissions law; background check. Area representative members listed in section 1-5(a) (1)-(8) who passed a background check to be an employee of the Nation in their representative area shall be considered to have passed the background check required hereunder. membership under section 1-5(a)(1)-(68) of these ints must further: employee of the respective division, department or ney are applying to represent; and a letter of recommendation from the head of such a, department or office.
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			Draft 1 for OBC Consideration
			2020 2021 01 20 27
130			member's appointment based on the following:
131			(1) A member accumulates three (3) or more unexcused absences from
132			a scheduled ONEPC meeting within a one (1) year period; or
133			(A) An ONEPC member shall be deemed unexcused if he or she
134			fails to provide written notice of the absence to an ONEPC
135			Officer at least thirty (30) minutes before the missed
136			meeting.
130			(2) A material violation of these bylaws and/or any other laws or
137			• •
138			policies of the Nation.
139	1 7	Tuninin an and	Conformers Mandatan training / conformers of for manhans of the ONERC
	1-7.	Trainings and	<i>Conferences.</i> Mandatory trainings/conferences for members of the ONEPC
141		()	shall be as follows:
142		(a)	Members are required to obtain a certificate of training for ICS 100 and ICS
143			200 classes.
144		(b)	At the Director's request, members shall attend the Wisconsin Emergency
145			Management <u>Governor's</u> Conference and the Wisconsin Emergency
146	1	1 .	_ManagementAssociation Conference on an
147	annual		
148		(c)	Regardless of the number of trainings/conferences that he or she is required
149			to attend, no ONEPC member shall be eligible to receive stipends for
150			attending more than five (5) full days of mandatory trainings/conferences
151			per year.
152			(1) The Emergency Management Department will provide funding for
153			registration, transportation and per-diem to any ONEPC member
154			who attends either of the conferences listed in subsection (b) of this
155			section.
156			(2) ONEPC members must receive a signed travel authorization from
157			the Director before attending a training or conference hereunder.
158		XX 0.47	
159		e II. Officers	
160	2-1.	Officers.	The ONEPC shall have three (3) Officer positions, consisting of a Chair-
161			person, a Vice-Chairperson and a Secretary, who shall hold office for three
162			(3) year terms.
163			
164	2-2.	Responsibilitie	es of the Chairperson. The responsibilities, duties and limitations of the
165			Chairperson shall be as follows:
166		(a)	To call all meetings and, with the Secretary's assistance, notify all ONEPC
167			members of meetings in accordance with these bylaws and the Boards,
168		<i>(</i> 1)	Committees and Commissions law;
169		(b)	To preside over all meetings of the ONEPC;
170		(c)	To submit, or have submitted through a designee, annual and semi-annual
171			reports to the Oneida General Tribal Council, as well as quarterly reports to
172			the Oneida Business Committee, consistent with the Boards, Committees

			2020 2021 01 2027
173			and Commissions law; and
174		(d)	To attend, or designate an ONEPC member to attend, the Oneida Business
175			Committee meeting in which the ONEPC's quarterly report appears on the
176			agenda.
177			č
178	2-3.	Responsibilit	ties of the Vice-Chairperson. The responsibilities, duties and limitations of the
179		-	Vice-Chairperson shall be as follows:
180		(a)	To preside over all meetings of the ONEPC in the absence of the Chair-
181			person and appoint a Vice-Chairperson for that meeting;
182		(b)	To work with the Chairperson on all matters that concern the ONEPC; and
183		(c)	In the event of a vacancy of the Chairperson, to fill the Chairperson position
184			until such time as an election can be held in accordance with section 2-6 of
185			these bylaws.
186			
187	2-4.	Responsibilit	ties of the Secretary. The responsibilities, duties and limitations of the
188			Secretary shall be as follows:
189		(a)	To ensure that the minutes of all ONEPC meetings are recorded, reported
190			and maintained in accordance with these bylaws, the Boards, Committees
191			and Commissions law, and the Open Records and Open Meetings law;
192		(b)	In the event both the Chairperson and Vice-Chairperson positions become
193			vacant before the end of their terms, to call ONEPC meetings to fill the
194			vacancies and to preside over the meetings for the sole purpose of
195			conducting an election of new Officers, at which point the Chairperson, or
196			Vice-Chairperson in the absence of the Chairperson, shall preside; and
197		(c)	To assist the Chairperson in providing the notice in section 2-2(a) of these
198			bylaws and, at least seventy-two (72) hours before each meeting, to further
199			provide notice of all meetings, meeting agendas, documents and minutes
200			pursuant to these bylaws, the Boards, Committees and Commissions law,
201			and the Open Records and Open Meetings law.
202			
203	2-5.	Ad Hoc Com	<i>mittees.</i> The ONEPC may create ad hoc committees when it deems necessary
204			to serve at the pleasure of the ONEPC.
205		(a)	Ad hoc committees of the ONEPC shall be created, operated and dissolved
206			in accordance with the Boards, Committees and Commissions law.
207		(b)	Ad hoc committees may contain non-ONEPC members.
208		(c)	Members of ad hoc committees shall not be eligible for stipends unless a
209			specific exception is made by the Oneida Business Committee or Oneida
210			General Tribal Council.
211	26	Solootion of	Officers ONEDC Officers shall be elected by a majority water of the merchant
212	2-6.	selection of	Officers. ONEPC Officers shall be elected by a majority vote of the members
213			present at an ONEPC meeting of an established quorum.
214		(a)	Members may be dismissed from their Officer positions by a majority vote of the members present at an ONEBC meeting of an established guarum
215			of the members present at an ONEPC meeting of an established quorum.

Draft 1 for OBC Consideration 20202021 01 2027

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216		(b)	In the event of a vacancy before the end of an Officer's term, a successor
217		(0)	shall be elected by majority vote of the members present at an ONEPC
218			meeting of an established quorum for the duration of the unexpired term.
210		(c)	Officers shall hold no more than one (1) Officer position per Officer term.
220		(0)	officers shall hold no more than one (1) officer position per officer term.
221	2-7.	Purchases an	d Travel. The ONEPC shall follow the Nation's policies and procedures
222			regarding purchasing and sign-off authority.
223		(a)	The levels of budgetary sign-off authority for the ONEPC shall be as set
224			forth in the manual titled, Oneida Tribe of Indians of Wisconsin Purchasing
225			Policies and Procedures, for Area Directors/Enterprise Directors.
226			(1) All ONEPC Officers have sign-off authority and two (2) Officers
227			shall be required to sign-off on all budgetary requests.
228			(A) Upon formal approval of a purchase by the ONEPC, the
229			Business Committee Support Office shall have official
230			budgetary sign-off authority for the ONEPC.
231		(b)	The ONEPC shall approve a member's request to travel on behalf of the
232			ONEPC by majority vote of the members present at a regular or emergency
233			ONEPC meeting of an established quorum.
234			
235	2-8.	Personnel.	The ONEPC shall not have the authority to hire personnel for the benefit of
236			the ONEPC.
237			
238	Articl	e III. Meeting	S
239	3-1.	Regular Meet	tings. Meetings of the ONEPC shall be held every month during regular
240		U	business hours at a location within the Reservation boundaries.
241		(a)	The date, time and location of the meetings shall be set at the first ONEPC
242			meeting of an established quorum by majority vote of the members present.
243			(1) The ONEPC meeting date, time and/or location may change from
244			time-to-time as determined by majority vote of the members present
245			at an ONEPC meeting of an established quorum so long as notice is
246			provided in accordance with the Nation's Open Records and Open
247			Meetings law prior to the implementation of a new date, time and/or
248			location.
249		(b)	The Secretary shall provide written notice of meeting agendas, documents,
250		(0)	
250			and minutes to all ONEPC members at least seventy-two (72) hours before
			and minutes to all ONEPC members at least seventy-two (72) hours before each meeting and shall further provide notice of the same in accordance
			each meeting and shall further provide notice of the same in accordance
252		(c)	each meeting and shall further provide notice of the same in accordance with the Nation's Open Records and Open Meetings law.
252 253		(c)	each meeting and shall further provide notice of the same in accordance with the Nation's Open Records and Open Meetings law. ONEPC meetings may be attended in person, by telephone, through video-
252 253 254		(c)	each meeting and shall further provide notice of the same in accordance with the Nation's Open Records and Open Meetings law. ONEPC meetings may be attended in person, by telephone, through video- conferencing or through other telecommunications so long as presence at
252 253 254 255		(c)	each meeting and shall further provide notice of the same in accordance with the Nation's Open Records and Open Meetings law. ONEPC meetings may be attended in person, by telephone, through video- conferencing or through other telecommunications so long as presence at the meeting occurs and is demonstrated in accordance with the Boards,
252 253 254 255 256			each meeting and shall further provide notice of the same in accordance with the Nation's Open Records and Open Meetings law. ONEPC meetings may be attended in person, by telephone, through video- conferencing or through other telecommunications so long as presence at the meeting occurs and is demonstrated in accordance with the Boards, Committees and Commissions law.
252 253 254 255		(c) (d)	each meeting and shall further provide notice of the same in accordance with the Nation's Open Records and Open Meetings law. ONEPC meetings may be attended in person, by telephone, through video- conferencing or through other telecommunications so long as presence at the meeting occurs and is demonstrated in accordance with the Boards,

			Draft 1 for OBC Consideration
1			2020 2021 01 20 27
259 260			be used as a guideline when conducting meetings of the ONEPC.
260 261 262 263	3-2.	Semi-Annual	<i>Meetings</i> . The ONEPC may hold semi-annual meetings with certain entities of the Nation for the purpose of providing emergency planning, training and education.
264 265 266		(a)	Semi-annual meetings of the ONEPC shall not qualify as a meeting for purposes of stipend eligibility.
267 268 269	3-3.	Emergency M	<i>leetings</i> . An emergency meeting of the ONEPC may be called when an issue arises requiring immediate action by the ONEPC that cannot wait until its next regularly scheduled meeting.
270 271		(a)	Emergency meetings of the ONEPC may be called by the Chairperson or Vice-Chairperson.
272 273 274 275		(b)	The Secretary shall provide notice to all ONEPC members in writing, as well as by telephone call, at least twenty-four (24) hours before the scheduled meeting and shall further provide notice in accordance with the Nation's Open Records and Open Meetings law.
276 277 278 270			(1) Written notice provided via email communication must be sent to the official Oneida Nation email address provided to all members to conduct business electronically on behalf of the ONEPC.
279 280 281 282		(c)	Emergency ONEPC meetings may be attended in person, by telephone, through video-conferencing or through other telecommunications so long as presence at the meeting occurs and is demonstrated in accordance with the Boards, Committees and Commissions law.
283 284 285 286 287		(d)	Within seventy-two (72) hours after an emergency meeting, the ONEPC shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation as to why the matter could not wait until the next regular meeting.
288 289 290	3-4.	Joint Meeting	s. Joint meetings between the ONEPC and the Oneida Business Committee shall not be held.
291 292 293	3-5.	Quorum.	A quorum of the ONEPC shall consist of no less than a simple majority of the current membership, one of which shall be the Chairperson or Vice- Chairperson.
294 295 296		(a)	In lieu of the Chairperson or Vice-Chairperson, the Secretary may complete a quorum for any meeting called pursuant to section 2-4(b) of these bylaws.
297 298	3-6.	Order of Busi	<i>iness</i> . The regular meetings of the ONEPC shall follow the order of business as set out herein:
299		(a)	Call to Order
300		(b)	Adopt the Agenda
301		(c)	Approval of Minutes

Draft 1 for OBC Consideration <u>20202021</u> 01 <u>2027</u>

1			2020 2021 01 20 27
302		(d)	Old Business
303		(e)	New Business
304		(t) (f)	Emergency Management Director Report
305		(\mathbf{r})	Ad Hoc Committee Reports
305		(g) (h)	Other Business
307			
		(i) (i)	Open Session
308		(j)	Adjournment
309	27	17	
310	3-7.	Voting.	The ONEPC shall make decisions by majority vote of its members present
311			at any ONEPC meeting of an established quorum.
312		(a)	The Chairperson, or Vice-Chairperson if presiding in lieu of the Chair-
313			person or Secretary if presiding under section 2-4(b) of these bylaws, shall
314		<i>4</i> \	vote only in the event of a tie.
315		(b)	E-polls shall not be permissible for voting purposes.
316			
317			
318	Artic	le IV. Expectat	
319	4-1.	Behavior of N	
320		(a)	Attendance and participation are important contributors to the ONEPC's
321			effectiveness. Members shall prepare for and attend all ONEPC meetings
322			unless excused in accordance with these bylaws.
323		(b)	Members shall comply with these bylaws and any other governing laws and/
324			or polices of the Nation.
325		(c)	Community representative members serve as the ONEPC's community
326			liaison and are expected to conduct themselves in a professional manner
327			when acting in said capacity.
328		(d)	Enforcement. Members found in violation of this section may be subject to
329			one or more of the following as determined by majority vote of the members
330			present at an ONEPC meeting of an established quorum:
331			(1) A request for the member's resignation;
332			(2) A recommendation to the Oneida Business Committee to terminate
333			the member's appointment pursuant to the Boards, Committees and
334			Commissions law;
335			(3) A notice of violation to the head of the member's representative area
336			within the Nation; and/or
337			(4) Disciplinary action in accordance with any law of the Nation
338			governing sanctions and penalties for appointed officials.
339		(e)	Prior to acting under subsection (d) of this section, the Chairperson or
340		(\mathbf{c})	Officer designated by the Chairperson shall send a certified letter to the
340 341			member, inquiring into his or her explanation/intentions regarding the issue.
341			
343			within ten (10) business days of receiving the letter, he or she will
344			be subject to possible action under subsection (d) of this section.

Draft 1 for OBC Consideration 20202021 01 2027

1			2020 2021 01 20 27
345			(A) The certified letter from the Chairperson or Officer designee
346			shall include the language set forth in subsection (e)(1) of
347			this section.
348			(2) If the member provides a timely response to the Chairperson or
349			Officer designee, the ONEPC will decide by majority vote of the
350			members present at a meeting of an established quorum whether,
351			based on the response, the member should be subject to enforcement
352			under subsection (d) of this section or a lesser form of corrective
353			action.
354			
355	4-2.	Prohibition o	f Violence. Members of the ONEPC are prohibited from committing any
356	<i>τ 2</i> .	1101110111011 0	intentionally violent act that inflicts, attempts to inflict, or threatens to inflict
357			emotional or bodily harm on another person or damage to personal property.
358			enfotional of boarry name of another person of aunage to personal property.
359	4-3.	Drug and Alc	ohol Use. All members of the ONEPC are prohibited from using alcohol or
360	1 5.	Drug und me	prohibited drugs while acting in the official capacity as an ONEPC member.
361			
362	4-4.	Social Media	All members of the ONEPC shall be required to follow the Oneida Nation's
363			Social Media Policy and their oath of office when acting in their official
364			capacity as an ONEPC member.
365			
366	4-5.	Conflict of Int	erest. Members of the ONEPC shall abide by all laws of the Nation governing
367		5 5	conflicts of interest.
368		(a)	Community representative members shall be required to sign a
369			confidentiality agreement before serving in their official capacity on the
370			ONEPC.
371			
372	Articl	le V. Stipends a	and Compensation
373	5-1.	Stipends.	Dependent upon available budgeted funds, stipend eligibility shall be as set
374			forth in and subject to these bylaws; the Boards, Committees and
375			Commissions law; resolution BC-08-12-20-C titled, Amended Boards,
376			Committees and Commissions Law Stipends, as may be further amended
377			from time-to-time hereafter; and as follows:
378		(a)	Community Representatives. The community representative member(s) of
379			the ONEPC shall be eligible to receive:
380			(1) No more than twelve (12) meeting stipends per fiscal year, provided
381			that:
382			(A) A quorum was established;
383			(B) The meeting of the established quorum lasted for a minimum
384			of one (1) hour; and
385			(C) The community representative member collecting the
386			stipend was present for the entire meeting as defined and
387			demonstrated in accordance with the Boards, Committees

Draft 1 for OBC Consideration 20202021 01 2027

				Draft 1 for OBC Consideration
				2020 2021 01 20 27
388				and Commissions law.
389			(2)	A stipend for attending a Judiciary hearing so long as the community
390				representative member's attendance at the hearing was required by
391				official subpoena.
392			(3)	A stipend for attending a conference or training, provided that:
393				(A) The amount of stipend the member is eligible to receive for
394				attending a conference or training shall be dependent on
395				whether the member attended up to four (4) hours of the
396				conference/training or more than four (4) hours of the
397				conference/training; and
398				(B) The community representative member's attendance at the
399				conference or training was required by law, bylaws or
400				resolution.
401		(b)	Area l	Representatives. ONEPC members appointed under section 1-5(a)(1)-
402		()		f these bylaws shall not collect stipends despite their eligibility except
403		_	< <u> </u>	ows:under the Boards, Committees and Commissions law.
404		_		ONEPC members appointed under section 1-5(a)(1)-(6) of these
405		_		bylaws shall be eligible to receive stipends for attending a
406		_		- conference or training, provided that:
407		_		(A) The amount of stipend the member is eligible to receive for
408		_		attending a conference or training shall be dependent on
409		_		whether the member attended up to four (4) hours or more
410		_		than four (4) hours of the conference/training; and
411		_		(B) The member's attendance at the conference or training was
412		_		required by law, bylaws or resolution.
413				
414	5-2.	Compensatio	on. Besid	es travel, per diem and business expense reimbursement as authorized
415		T T		the Boards, Committees and Commissions law, ONEPC members
416				not be eligible for any other type of compensation for duties/activities
417				erform on behalf of the ONEPC.
418		(a)		of attendance at the training or conference, along with all necessary
419		()		ts and/or reports in support of a member's allowable expenses, must
420			1	ovided to the Director of the Emergency Management Department
421			-	e members may qualify for compensation hereunder.
422				
423	Artic	le VI. Record	s and Re	eporting
424	6-1.			PC agenda items shall follow the format identified in section 3-6 of
425		0		bylaws as the Order of Business.
426			-	
427	6-2.	Minutes.	Minut	es shall be typed and in a format that is consistent with the format
428				ned by the Business Committee Support Office to generate the most
429				native record of the ONEPC meetings.
430		(a)		ns taken by the ONEPC are valid once the corresponding minutes are
		× /		

1			Draft 1 for OBC Consideration 20202021 01 2027
431 432			approved by the ONEPC; provided, the minutes are recorded, transcribed, approved and filed/maintained in accordance with these bylaws.
433 434 435		(b)	All minutes shall be submitted to the Business Committee Support Office within thirty (30) days of their approval by the ONEPC.
436 437 438 439	6-3.	Attachments.	Handouts, reports, memoranda and the like shall be attached to their corresponding minutes and agenda and maintained in accordance with the Nation's Open Records and Open Meetings law.
440	6-4.	Oneida Busin	ess Committee Liaison. The ONEPC shall regularly communicate with the
441 442 443		(a)	member of the Oneida Business Committee who is its designated liaison. The frequency and method of communication shall be as agreed upon by the ONEPC and the liaison, but not less than that required in any law or
444 445			policy on reporting developed by the Oneida Business Committee or the Oneida General Tribal Council.
446 447		(b)	The purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the ONEPC.
448 449	6-5.	Audio Record	<i>ings</i> . All meetings of the ONEPC shall be audio recorded by the Secretary or
449 450 451	0-3.	Αμαίο κέςοια	Secretary's designee using a device provided or approved by the Business Committee Support Office.
452 453		(a)	Audio recordings of ONEPC meetings shall be maintained in accordance with the Nation's Open Records and Open Meetings law.
454 455		(b)	<i>Exception</i> . Audio recordings of executive session portions of an ONEPC meeting shall not be required.
456 457	Artic	le VII. Amendi	ments
458	7-1.		to Bylaws. Amendments may be made to these bylaws at a regular ONEPC
459 460			meeting of an established quorum; provided, written notice of the proposed amendments was made at a prior regular meeting and in accordance with
461 462			these bylaws, as well as any governing provisions of the Nation's Open Records and Open Meetings law.
463		(a)	A two-thirds vote of the members present at an ONEPC meeting of an
464		(u)	established quorum is required to amend these bylaws and amendments
465			are effective upon adoption by the ONEPC and approval by the Oneida
466			Business Committee, as well as the Oneida General Tribal Council if
467			required.
468		(b)	Any amendments to these bylaws shall conform to the requirements of the
469			Boards, Committees and Commissions law, as well as any other policy of
470			the Nation.
471		(c)	The ONEPC shall conduct a review of these bylaws no less than on an
472			annual basis.
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Draft 1 for OBC Consideration <u>20202021</u> 01 <u>2027</u>

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474	Article VIII. Dissolu	ution
475	8-1. Dissolution of	f the ONEPC. The ONEPC shall be dissolved only by motion of the Oneida
476		General Tribal Council or the Oneida Business Committee.
477	(a)	In the event of dissolution of the ONEPC, the Chairperson and Secretary
478		shall be responsible for closing out all open business of the ONEPC and
479		forwarding all materials and records to the Business Committee Support
480		Office for proper storage and disposal.
481		(1) Unless otherwise granted an extension per the Boards, Committees
482		and Commission law, all open business shall be closed out and all
483		materials and records forwarded to the Business Committee Support
484		Office within two (2) weeks of dissolution.
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490	TT1 1 1	ended and revised, are hereby attested to as adopted by the Oneida Nation
491 492	. ,	ended and revised are hereby affested to as adopted by the Uneida Nation
492	Emergency Planning	
	day of	Committee at a duly called meeting by the Chairperson's signature on this
493	day of	
493 494	day of	Committee at a duly called meeting by the Chairperson's signature on this, 202
493 494 495	day of	Committee at a duly called meeting by the Chairperson's signature on this, 202 Chairperson
493 494 495 496	day of	Committee at a duly called meeting by the Chairperson's signature on this, 202
493 494 495 496 497		Committee at a duly called meeting by the Chairperson's signature on this, 202 Chairperson Emergency Planning Committee
493 494 495 496 497 498	and approved by the	Committee at a duly called meeting by the Chairperson's signature on this, 202 Chairperson Emergency Planning Committee Oneida Business Committee at a duly called meeting held on this day
493 494 495 496 497 498 499	and approved by the	Committee at a duly called meeting by the Chairperson's signature on this, 202 Chairperson Emergency Planning Committee
493 494 495 496 497 498 499 500	and approved by the	Committee at a duly called meeting by the Chairperson's signature on this, 202 Chairperson Emergency Planning Committee Oneida Business Committee at a duly called meeting held on this day
 493 494 495 496 497 498 499 500 501 	and approved by the	Committee at a duly called meeting by the Chairperson's signature on this, 202 Chairperson Emergency Planning Committee Oneida Business Committee at a duly called meeting held on this day 202_ by the Secretary of the Oneida Business Committee's signature.
493 494 495 496 497 498 499 500	and approved by the	Committee at a duly called meeting by the Chairperson's signature on this, 202 Chairperson Emergency Planning Committee Oneida Business Committee at a duly called meeting held on this day



Oneida Nation Emergency Planning Committee Bylaws Amendments Legislative Analysis

SECTION 1. EXECUTIVE SUMMARY

Analysis by the Legislative Reference Office		
Intent of the Amendments	 To comply with the September, 2018 amendments to the Boards, Committees and Commissions law ("Law"), which provide that, within a reasonable time after the Law's adoption, all existing boards, committees and commissions of the Nation must present bylaws for adoption that comply with the format and contain the minimal amount of information prescribed in the Law, including: The process for filling vacancies on the Oneida Nation Emergency Planning Committee ("ONEPC"); The qualifications necessary for membership on the ONEPC; The Officer positions on the ONEPC, as well as the process for selecting those Officers and the duties assigned to each specific Officer position; The behavioral expectations of those serving on the ONEPC; The process for calling, noticing, conducting and recording meetings of the ONEPC; The process for terminating the appointment of ONEPC members; The requisite training/conferences for members of the ONEPC; Stipend eligibility; and The process for further amendments to the ONEPC's bylaws. [1 O.C. 105.10-1(a)]. To comply with the directive from the Oneida Business Committee ("OBC") to include certain across-the-board amendments to all bylaws of the boards, committees and commissions that have not been expressly granted an exception therefrom. 	
Purpose	The ONEPC was established pursuant to the Nation's Emergency Management and Homeland Security law, which was adopted by the OBC through resolution BC-07-15-98-A, and subsequently amended by resolutions BC-12-20-06-G and BC-05-13-09-F.	
Related Legislation	Oneida Nation Constitution, Emergency Management and Homeland Security law, Boards, Committees and Commissions law, Social Media Policy, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law; Vehicle Driver Certification and Fleet Management law; Computer Resources Ordinance.	
Enforcement/Due Process	ONEPC members are appointed by and serve at the discretion of the OBC. Upon the recommendation of an OBC member or the ONEPC, an ONEPC member may have his or her appointment terminated by the OBC by a two-thirds majority vote. The OBC's decision to terminate a member's appointment is final and not subject to appeal. [1 O.C. 105.7-4].	
Public Meeting	Public meetings are not required for bylaws.	
Fiscal Impact	A fiscal impact statement is not required for bylaws.	

1 SECTION 2. BACKGROUND

- A. Bylaws provide a framework for the operation and management of a board, committee or commission of the Nation; the government of its members; and the regulation of its affairs. [1 O.C. 105.3-1(d)].
- B. The ONEPC was established pursuant to the Nation's Emergency Management and Homeland Security law, through adoption of resolutions BC-07-15-98-A, BC-12-20-06-G and BC-05-13-09-F to serve as the Nation's emergency planning and oversight committee.
- C. On September 26, 2018, the OBC adopted amendments to the Boards, Committees and Commissions law through resolution BC-09-26-18-C. Per section 105.10-1(a), within a reasonable time after the Law's adoption, all existing boards, committees and commissions of the Nation were required to amend their bylaws to comply with the format requirements and to add the minimal amount of information prescribed within the Law.
- D. Per the request of the Director of the Nation's Emergency Management Department, this item was initially added to the Active Files List on February 5, 2020, with Jennifer Webster as the sponsor, for purposes of amending ONEPC's bylaws to comply with the requirements of the Law. At the time the request was made, the ONEPC was inactive and attempting to re-establish itself in accordance with governing law. Shortly thereafter, the COVID-19 pandemic hit, which caused a delay in the processing of this request.
- E. This item was carried over from the previous 2020-2023 term, and, on October 7, 2020, it was added
 back on to the Active Files List, with Jennifer Webster as the sponsor, to amend the ONEPC bylaws
 per the requirements of the Law, which had since been further amended in August of 2020.
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22 SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW.

- A. The proposed bylaws comply with the requirements of the Boards, Committees and Commissions law [1 O.C. 105.10].
- B. The proposed bylaws comply with resolution BC-08-12-20-C titled "Amended Boards, Committees and Commissions Law Stipends" which details the types, specific dollar amounts and eligibility requirements of stipends under the Boards, Committees and Commissions law [1 O.C. 105.13].
- C. The proposed bylaws comply with resolution BC-03-27-19-D titled, "Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions Definitions and Impact."

31 SECTION 4. AMENDMENTS

32 This section details the changes to the bylaws from the previously adopted bylaws.

33 A. Article I. Authority.

- Section 1-5(a) Number of Members. The Emergency Management and Homeland Security law, which established the ONEPC, provides that the membership shall "consist of representatives from entities and a community representative as identified in the ONEPC bylaws as approved by the Oneida Business Committee." [3 O.C. 302.5-1]. The Boards, Committees and Commissions law prohibits the following individuals from serving on a board, committee or commissions of the Nation due to the potential for a real or perceived conflict of interest:
- 40 (1) Political appointees;
 - (2) An employee of the Nation's Internal Audit Department, Finance Administration, Law Office, Business Committee Support Office, or Intergovernmental Affairs and Communications; and
 - (3) An employee who serves as a direct report to the Oneida Business Committee or General Manager. [1 O.C. 105.15-3].

Under its current bylaws, the ONEPC is to be comprised of between nine (9) and ten (10) members,
plus eight (8) alternate members, with several of those members being from the Intergovernmental
Affairs Division and one member being employed as the Business Committee Support Office Area
Manager. [ONEPC Bylaws 1-5(a)]. Section 1-5(a) was changed to exclude representatives from
the Intergovernmental Affairs Division and Business Committee Support Office because these

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individuals are deemed ineligible to serve on a board, committee or commission by section 105.15-3 of the Boards, Committees and Commissions law due to the actual or perceived conflict of interest that could arise from the dual representation. [Proposed Bylaws 1-5(a)].
<u>Impact:</u> By eliminating these area representatives, the number of ONEPC members has decreased from between nine (9) and ten (10) members (plus eight (8) alternate members) to between seven (7) and eight (8) members (plus six (6) alternate members) to be made up of representatives from the following areas:

(1)
One (1) member and one (1) alternate member shall be employed within the Oneida

- (1) One (1) member and one (1) alternate member shall be employed within the Oneida Police Department;
 - (2) One (1) member and one (1) alternate member shall be employed within the Nation's Division of Public Works;
 - (3) One (1) member and one (1) alternate member shall be employed within the Nation's Comprehensive Health Division;
 - (4) One (1) member and one (1) alternate member shall be employed within the Nation's Community Economic and Development Division;
 - (5) One (1) member and one (1) alternate member shall be employed within the Nation's Environmental, Health, Safety, Land and Agriculture Division;
 - (6) One (1) member and one (1) alternate member shall be employed within the Nation's Gaming Division; and
 - (7) At least one (1) but no more than two (2) members shall be representatives from the Oneida Community. [Proposed Bylaws 1-5(a)].
- Section 1-5(b) & (c) Appointment and Vacancies. Members are appointed to the ONEPC and vacancies on the ONEPC are filled through the appointment process. [ONEPC Bylaws 1-5(b)-(c)].
 Subsections (b) and (c) of section 1-5 were changed to make the process used for such appointments consistent with the process mandated by the Boards, Committees and Commissions law. [Proposed Bylaws 1-5(b) and 1 O.C. 105.7-1].
- Impact: The pool of candidates for appointment to the ONEPC will no longer be limited to 78 0 79 those individuals who are recommended by either the ONEPC or the head of the employment 80 area being represented. [ONEPC Bylaws 5-1(b)-(c)]. Rather, the pool of candidates will be made up of individuals who applied for appointment in response to the notice of vacancy posted 81 by the Business Committee Support Office in accordance with the Boards, Committees and 82 Commissions law. [1 O.C. 105.6-4]. Upon expiration of the application deadline, the Business 83 84 Committee Support Office will compile the applications and forward them, along with a summary of each applicant's qualifications to hold office, to the Oneida Business Committee, 85 as well as the Chairperson of the ONEPC. [1 O.C. 105.7-1]. 86
- The ONEPC will still be able to participate in the application process; however, it will be 87 limited to the following in order to stay within the confines of the Boards, Committees and 88 89 Commissions law: "The ONEPC Chairperson shall review all application materials and 90 submit a recommendation for appointment to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law." (Proposed Bylaws 1-5(c) 91 92 (2). The recommendation from the ONEPC Chairperson must be determined by a majority 93 vote of the members present at the ONEPC meeting of an established quorum wherein the issue was decided. [Proposed Bylaws 1-5(c)(2)(A)]. 94
- *Section 1-5(d) Qualifications of Members.* Two more requirements were added under this subsection to qualify for membership on the ONEPC.
 The first additional requirement is that the candidate be "eligible to serve under the conflicts of
 - The first additional requirement is that the candidate be "eligible to serve under the conflicts of interest provision set forth in the Boards, Committees and Commissions law." [Proposed Bylaws 1-5(d)(1)(D)].
- As indicated above, section 105.15-3 of the Boards, Committees and Commissions law prohibits individuals employed within certain areas of the Nation from serving on a board, committee or commission due to the potential for a real or perceived conflict of interest. [1]

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O.C. 105.15-3]. By adding this to the qualification section of the ONEPC bylaws, it helps to ensure that persons from these prohibited areas are not considered for appointment to the ONEPC.

- The second additional requirement is that candidates for appointment to be a representative member of one of the employment areas, such as the Oneida Police Department, submit a letter of recommendation from the head of that employment area. [Proposed Bylaws 1-5(d)(2)(B)].
- *Impact:* This gives the ONEPC some control over the pool of candidates considered for 109 appointment to the ONEPC as member representatives of one of the employment areas at 110 issue, but does so within the confines of the Boards, Committees and Commissions law. 111 Rather than allowing the ONEPC and area directors to create the pool of candidates through 112 113 recommendation, which would conflict with the Boards, Committees and Commissions law, this would filter out applicants who respond to the posting of an ONEPC vacancy from 114 being considered for appointment unless, along with the other qualifications, they submit a 115 letter of recommendation from the head of the employment area they were applying to 116 117 represent.
- Section 1-6 Termination. This section of the bylaws lists certain conduct that would give the ONEPC cause to make a recommendation to the Oneida Business Committee for the termination of an ONEPC member's appointment. [ONEPC Bylaws 1-6]. Although it is the Oneida Business Committee that ultimately decides whether to terminate a member's appointment, the Boards, Committees and Commissions law requires that entities identify in their bylaws which conduct they would consider grounds for such termination. [1 O.C. 105.7-4 & 105.10-3(a)(6)]. This section has been changed as follows:
 - A provision was added to require that decisions on whether to recommend a member's termination for conduct listed in this section be made by a majority vote of the members present at an ONEPC of an established quorum. [Proposed Bylaws 1-6].
 - The accumulation of three (3) or more unexcused absences from a scheduled ONEPC meeting within a one (1) year period is listed as conduct that would give the ONEPC cause to recommend a member's termination of appointment to the Oneida Business Committee. The following provision was added to this section to clarify what constitutes an unexcused absence:
 - "An ONEPC member shall be deemed unexcused if he or she fails to provide written notice of the absence to an ONEPC Officer at least thirty (30) minutes before the missed meeting." [Proposed Bylaws 1-6(a)(1)(A)].
- Section 1-7 Trainings and Conferences. This section of the bylaws lists the trainings and/or conferences that are mandatory for ONEPC members to attend. [ONEPC Bylaws 1-7]. Under the Boards, Committees and Commissions law, members of an entity are not eligible to receive stipends for attending a conference or training unless attendance was mandated by law, bylaws or resolution. [1 O.C. 105.13-8]. By identifying the trainings/conferences listed herein as mandatory, this prerequisite to stipend eligibility is satisfied. Per directive of the Oneida Business Committee, this section was changed to include the following limitation:
- "Regardless of the number of trainings/conferences that he or she is required to attend, no
 ONEPC member shall be eligible to receive stipends for attending more than five (5) full days
 of mandatory trainings/conferences per year." [Proposed Bylaws 1-7(c)].
- Impact: By adding a limitation as to the number of mandatory trainings/conferences a 145 member may receive a stipend for in a one-year period, the ONEPC is not being limited in 146 the amount of training/conferences it can require its members to attend. Rather, it is limiting 147 the number of trainings/conferences that would be considered stipend eligible. This 148 149 provides an avenue for protecting the Nation from the fiscal burden that could ensue if stipend eligibility restrictions were not put in place, while preserving the ONEPC's 150 autonomy in deciding how many trainings/conferences it feels are necessary for members 151 152 to attend. 153

154 B. Article II. Officers. Section 2-2 – Responsibilities of the Chairperson. The following items were added to the Chair-155 156 person's assigned responsibilities under this section of the ONEPC bylaws: With assistance from the ONEPC Secretary, to notify all ONEPC members of meetings in 157 (1)accordance with the Boards, Committees and Commissions law, as well as the Nation's 158 Open Records and Open Meetings law [Proposed Bylaws 2-2(a)]; 159 (2)To submit, or have submitted through a designee, annual and semi-annual reports to the 160 Oneida General Tribal Council, as well as quarterly reports to the Oneida Business 161 162 Committee, consistent with the Boards, Committees and Commissions law [Proposed Bylaws 2-2(c)]; and 163 To attend, or designate an ONEPC member to attend, the Oneida Business Committee (3)164 meeting in which the ONEPC's quarterly report appears on the agenda *[Proposed Bylaws*] 165 166 2-2(d)].167 *Impact:* 0 The Boards, Committees and Commissions law requires that entities identify within their 168 bylaws how they plan on providing notice of meeting agendas, documents and minutes. [1] 169 O.C. 105.10-3(c). The Open Records and Open Meetings law provides the minimum 170 requirements that governmental bodies, including boards, committees and commissions, 171 172 must meet when notifying the public of their meetings. [1 O.C. 107.13-1(a)]. By assigning the responsibility of noticing meetings to the ONEPC Chairperson and requiring that said 173 notice be provided in accordance with governing law, it creates an extra layer of oversight. 174 The Boards, Committees and Commissions law further requires that entities provide certain 175 reports to the Oneida General Tribal Council, as well as the Oneida Business Committee, 176 177 in the manner prescribed therein and that at least one (1) member of the entity attend the Oneida Business Committee meeting where their quarterly report appears on the agenda. 178 [1 O.C. 105.12-3]. By assigning the ONEPC Chairperson with the responsibility to ensure, 179 whether by carrying out the duty herself or delegating it to another, that reports are being 180 submitted and meetings attended in compliance with the Law, it creates an extra layer of 181 oversight. 182 Section 2-4 – Responsibilities of the Secretary. The following item was added to the Secretary's 183 assigned responsibilities under this section of the ONEPC bylaws: 184 185 If both the Chairperson and Vice-Chairperson seats become vacant before the end of their terms, a provision was added that allows the Secretary to call ONEPC meetings to fill the 186 vacancies and to preside over those meetings for the sole purpose of conducting an election of 187 188 new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chair-189 person, would preside. [Proposed Bylaws 2-4(b)]. 190 Section 2-6 – Selection of Officers. The following items were added to this section of the ONEPC 191 bylaws. A provision was added that allows for ONEPC members to be dismissed from their Officer 192 0 193 positions by a majority vote of the members present at an ONEPC meeting of an established quorum. [Proposed Bylaws 2-6(a)]. 194 Impact: Under the Boards, Committees and Commissions law, the Oneida Business 195 Committee has the sole discretion to decide whether to terminate the appointment of a board, 196 committee or commission member. [1 O.C. 105.7-4]. This provision applies only to Officer 197 198 positions on the ONEPC, meaning that an ONEPC member can be stripped of his or her Officer position by a majority vote of the ONEPC, but would remain an ONEPC member 199 200 unless terminated by the Oneida Business Committee under a separate process. A second provision was added to clarify that Officers of the ONEPC shall not be allowed to 201 hold more than one (1) Officer position per Officer term. [Proposed Bylaws 2-6(c)]. 202 Section 2-7 - Purchases and Travel. This section of the ONEPC bylaws must identify how the 203 ONEPC intends to approve purchases and/or travel on behalf of the ONEPC. [1 O.C. 105.10-3(b) 204

205 (6)]. It was updated to comply with the requirements of the Boards. Committees and Commissions law as follows: 206 207 The ONEPC must follow the Nation's policies and procedures regarding purchasing and sign-208 off authority [Proposed Bylaws 2-7]: The levels of budgetary sign-off authority for the ONEPC must be consistent with the manual 209 titled, Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures, for Area 210 Directors/Enterprise Directors [Proposed Bylaws 2-7(a)]; 211 All ONEPC Officers will have sign-off authority and two (2) Officers will be required to sign-212 0 213 off on all budgetary requests [Proposed Bylaws 2-7(a)(1)]; and Upon formal approval of a purchase by the ONEPC, the Business Committee Support 214 215 Office will have official budgetary sign-off authority for the ONEPC. [Proposed Bylaws 2-7(a)(1)(A)]. 216 The ONEPC must approve a member's request to travel on behalf of the ONEPC by majority 217 0 218 vote of the members present at a regular or emergency ONEPC meeting of an established quorum [Proposed Bylaws 2-7(b)]. 219 220 C. Article III. Meetings. 221 222 Section 3-1 – Regular Meetings. This section of the ONEPC bylaws must identify, at a minimum, 223 when and where regular meetings of the ONEPC will be held and how the ONEPC intends to 224 provide notice of the meeting agenda, documents and minutes. [1 O.C. 105.10-3(c)]. Under the current bylaws, the ONEPC is required to hold a meeting every month during regular 225 0 226 business hours. [ONEPC Bylaws 3-1(a)]. Because this section only vaguely addresses when and where regular meetings of the ONEPC must be held, the following provisions were added 227 to better comply with the Boards, Committees and Commissions law: 228 That, the date, time and location of the meeting shall be set at the first ONEPC meeting of 229 an established quorum by majority vote of the members present [Proposed Bylaws 3-1(a)]; 230 and 231 232 That, the ONEPC meeting date, time and/or location may change from time-to-time as • 233 determined by a majority vote of the members present at an ONEPC meeting of an established quorum so long as notice is provided in accordance with the Nation's Open 234 235 Records and Open Meetings law prior to implementation of a new date, time and/or 236 location [Proposed Bylaws 3-1(a)(1)]; *Impact:* The above-referenced revisions not only ensure compliance with the minimal 237 238 requirements for this section under the Boards, Committees and Commissions law, but offer the ONEPC flexibility by authorizing the established date, time and/or location 239 of its regular meetings to change as deemed necessary by a majority vote of the 240 241 ONEPC; provided, the ONEPC affords public notice of such change or changes in 242 advance of implementation. 243 That, in addition to requirements already set forth in its current bylaws, notice of ONEPC • meetings is further provided in accordance with the Nation's Open Records and Open 244 245 Meetings law [Proposed Bylaws 3-1(b)]; and That, ONEPC meetings may be attended in person, by telephone, through video-246 conferencing or through other telecommunications; provided, the presence of any member 247 248 attending a meeting virtually is demonstrated in accordance with the Boards, Committees and Commissions law [Proposed Bylaws 3-1(c)]. 249 Impact: With the onset of the COVID-19 pandemic, the Nation was forced to adjust 250 \geq many of its customary practices, including the manner in which it holds meetings by 251 hosting them virtually or with very limited access to the public. This provision allows 252 253 similar flexibility to the ONEPC to allow for the same so long as the following occurs 254 in compliance with the Boards, Committees and Commissions law:

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- (1)The ONEPC demonstrates the presence of its members during a meeting by taking roll call on the record at both the beginning and end of the meeting; and
- (2)If an ONEPC member experiences a technological issue during the meeting and it disrupts the member's presence, he or she notifies the ONEPC of the technological issue as soon as possible. [1 O.C. 105.13-3(c)-(d)].
- Section 3-3 Emergency Meetings. Under the Boards, Committees and Commissions law, this 260 section of the ONEPC bylaws must, at a minimum, identify what constitutes an emergency; how 261 emergency meetings are to be called; and how notice of an emergency meeting must be provided. 262 263 [1 O.C. 105.10-3]. In order to meet the minimum requirements for compliance with the Law, the following was added to this section: 264
 - That, an emergency meeting of the ONEPC may be called when an issue arises requiring immediate action by the ONEPC that cannot wait until its next regularly scheduled meeting [Proposed Bylaws 3-3]; and
- That, the ONEPC Secretary must provide notice of an emergency meeting to all ONEPC 268 members in writing, as well as by telephone call, at least twenty-four (24) hours before the 269 scheduled meeting and must further provide notice in accordance with the Nation's Open 270 Records and Open Meetings law [Proposed Bylaws 3-3(b)]. 271
- This section was further revised to add a point of clarification that email communications must be 272 sent to the official Oneida Nation email address provided to all members to conduct business 273 274 electronically on behalf of the ONEPC [Proposed Bylaws 3-3(b)(1)]; and that, similar to regular meetings of the ONEPC, emergency meetings may be attended in person, by telephone, through 275 videoconferencing or through other telecommunications so long as a member's virtual presence is 276 277 demonstrated in accordance with the Boards, Committees and Commissions law [Proposed Bylaws 3-3(c)]. [1 O.C. 105.13-3(c)-(d)]. 278
- 279 Section 3-7 – Voting. Under its current bylaws, this section contains a provision allowing "a proxy 280 representative . . . to vote in place of his or her respective Division/Department Representative or in place of the OBC Support Office Area Manager". [ONEPC Bylaws 3-5(a)]. There is nothing in 281 282 the Boards, Committees and Commissions law or other governing laws of the Nation that expressly authorizes the use of proxy voting, nor does the Nation have a past practice of using proxy voting. 283 Thus, the provision was removed from this section of the ONEPC bylaws. [Proposed Bylaws 3-7]. 284

286 **D.** Article IV. Expectations.

- 287 Section 4-1 – Behavior of Members. Under the Boards, Committees and Commissions law, this section of the ONEPC bylaws must, at a minimum, identify the behavioral expectations and 288 requirements of an ONEPC member and how the ONEPC will enforce such expectations/ 289 290 requirements. [1 O.C. 105.10-3(d)]. Under its current bylaws, the ONEPC has a list of behavioral expectations that its members must follow, as well as mechanisms to enforce such behavior; 291 292 however, they are located throughout various sections of Article I of the bylaws. To comply with the Boards, Committees and Commissions law's formatting requirements, the list and enforcement 293 mechanisms were compiled and placed under this section of the ONEPC bylaws. [Proposed Bylaws 294 295 4-17.
- 296 Section 4-2 – Prohibition of Violence. This section prohibits members of the ONEPC from committing any intentionally violent act that inflicts, attempts to inflict, or threatens to inflict 297 298 emotional or bodily harm on another person or damage to personal property. [Proposed Bylaws 4-27. It was added to comply with the minimum requirements of the Boards, Committees and 299 Commissions law. [1 O.C. 105.10-3(d)(2)]. 300 301
- E. Article V. Stipends and Compensation. 302
- 303 Section 5-1. Stipends. This section was updated to comply with the Boards, Committees and Commissions law and to provide clarity with respect to its application to certain members of the 304 305 ONEPC.

Analysis to Draft 1 for OBC Consideration 2021 01 27

306 307	 <u>Community Representative Members.</u> Community representative members of the ONEPC are eligible to receive:
308	• Up to twelve (12) meeting stipends per fiscal year; provided:
309	A meeting quorum is established [Proposed Bylaws $5-1(a)(1)(A)$]; The meeting of the established quorum lasts for a minimum of and (1) hour [Buonceed
310	The meeting of the established quorum lasts for a minimum of one (1) hour [Proposed P_{i} [Proposed P_{i} [Proposed P_{i} [Proposed Proposed
311 312	 Bylaws 5-1(a)(1)(B)]; and The community representative member collecting the stipend is present for the entire
313	meeting as defined and demonstrated within the Boards, Committees and Commissions
313	law [Proposed Bylaws $5-1(a)(1)(C)$].
315	 A stipend for attending a Judiciary hearing where that member's attendance was required
316	by official subpoena [<i>Proposed Bylaws 5-1(a)(2)</i>];
317	 A stipend for attending a conference or training; provided:
318	 A superior for attending a conference of training, provided. The stipend amount shall be dependent on whether the member attended up to four (4)
319	hours of the conference/training or more than four (4) hours of the conference/training
320	[Proposed Bylaws 5-1(a)(3)(A)]; and
321	 The member's attendance at the conference or training was required by law, bylaws or
322	resolution [<i>Proposed Bylaws</i> $5-1(a)(3)(B)$].
323	• <u>Area Representative Members.</u> Area representative members of the ONEPC are eligible to
324	receive:
325	• A stipend for attending a conference or training; provided:
326	\succ The stipend amount shall be dependent on whether the member attended up to four (4)
327	hours of the conference/training or more than four (4) hours of the conference/training
328	[Proposed Bylaws $5-1(b)(1)(A)$]; and
329	> The member's attendance at the conference or training was required by law, bylaws or
330	resolution [Proposed Bylaws 5-1(b)(1)(B)].
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332	F. Article VI. Records and Reporting.
332 333	• Section 6-2 – Minutes. Under the Boards, Committees and Commissions law, this section must, at
332 333 334	 Section 6-2 – Minutes. Under the Boards, Committees and Commissions law, this section must, at a minimum, identify the format for meeting minutes and a reasonable timeframe in which minutes
332 333 334 335	 Section 6-2 – Minutes. Under the Boards, Committees and Commissions law, this section must, at a minimum, identify the format for meeting minutes and a reasonable timeframe in which minutes are to be submitted to the Business Committee Support Office. [1 O.C. 105.10-3(f)(2)]. In order to
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• That, the ONEPC shall conduct a review of its bylaws no less than on an annual basis *[Proposed Bylaws 7-1(c)].*

360 SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS

There are no conflicts between the proposed bylaws amendments and the Oneida Code of Laws. Below is
 a summary of laws referenced in and related to the proposed amendments to the Oneida Nation Emergency
 Planning Committee's Bylaws.

- A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows for the creation of committees for the proper conduct of tribal business of the Nation. [Oneida Nation Constitution, Article IV, Section 1(g)]. There are no conflicts between the proposed bylaws amendments and the Oneida Nation Constitution.
- B. Emergency Management and Homeland Security [3 O.C. Chapter 302]. This law provides for the development and execution of plans for the protection of residents, property and the environment in an emergency or disaster. [3 O.C. 302.1-1]. The law establishes the ONEPC and requires as follows with respect to this entity:
 - (1) That, the ONEPC consist of representatives from entities and a community representative as identified in the ONEPC bylaws as approved by the Oneida Business Committee;
 - (2) That, the ONEPC meet as necessary to assist the Nation's Emergency Management/ Homeland Security Agency Director ("Director") with the drafting and maintaining of the Nation's Emergency Operations Plan; and
 - (3) That, at his or her request, the ONEPC assist the Director in the implementation of the provisions of the Emergency Management and Homeland Security law, as well as any plan issued in accordance therewith. [3 O.C. 302.5-1 through 302.5-3].

The proposed bylaws indicate that the ONEPC was established in compliance with, what is now known 383 as, the Emergency Management and Homeland Security law. [Proposed Bylaws 1-2]. The ONEPC is 384 385 to be composed of members from various entities within the Nation, as well as at least one (1), but not 386 more than two (2), members from the community. [Proposed Bylaws 1-5]. Among other duties, members of the ONEPC are responsible for assisting the Director with the drafting/maintaining of the 387 Nation's Emergency Operations Plan and, if requested, the implementation of the Emergency 388 Management and Homeland Security law and/or plan issued thereunder. [Proposed Bylaws 1-3]. The 389 390 proposed bylaws comply and are not in conflict with the Nation's Emergency Management and Homeland Security law. 391

393 C. Boards, Committees and Commissions /1 O.C. Chapter 105/. This Law governs the establishment, composition and operation of the Nation's elected and appointed boards, committees and commissions. 394 395 It establishes the procedures for appointing/electing people to a board, committee or commission; the mandate for creating bylaws and the minimal information to be included therein; the recording and 396 record keeping requirements relating to board, committee and commission meetings, including the 397 398 manner in which information is reported to the Oneida Business Committee and the Oneida General Tribal Council; the eligibility requirements for stipends, compensation and reimbursement; and other 399 processes relating to the operation of the Nation's boards, committees and commissions. 400 401

With respect to the creation of bylaws, the Law sets the format requirements and the minimal amount of information that needs to be contained within an entity's bylaws. It further provides that all of the Nation's boards, committees and commissions, governed by the Law, are required to present bylaws to the Oneida Business Committee for adoption that comply with the Law and that said bylaws be presented within a reasonable amount of time following the Law's adoption. The bylaws contain the requisite formatting, as well as information, and do not conflict with any other provision of the Law.

- E. Travel and Expense Policy [1 O.C. Chapter 219]. This law establishes policies that govern the reimbursement of travel and related expenses incurred during the conduct of company business. [2 O.C. 219.1]. Per section 219.4-2 of the law, "any travel for boards, committees and commissions must be authorized by sign off authority as indicated within the entity's approved bylaws." Consistent with the Travel and Expense Policy, the Boards, Committees and Commissions law expressly requires that boards, committees and commissions include within their bylaws a section that identifies how the entity will approve purchases or travel on its behalf, the section of which must provide, at a minimum, that:
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- (1) The entity follows the Nation's policies and procedures regarding purchasing and sign-off authority;
- (2) Upon formal approval of a purchase by an entity, the Business Committee Support Office shall have official budgetary sign-off authority for the entity; and
- 426 (3) An entity shall approve a member's request to travel on behalf of the entity by majority 427 vote at a regular or emergency meeting of the entity. [1 O.C. 105.10-3(b)(6)].

With respect to purchases and travel, the ONEPC's proposed bylaws provide that the ONEPC "shall 429 430 follow the Nation's policies and procedures regarding purchasing and sign-off authority." [Proposed Bylaws 2-77. In addition, the bylaws give all ONEPC Officers sign-off authority and require that two 431 (2) Officers sign-off on all budgetary requests before submitting to the Business Committee Support 432 433 Office for formal approval. *[Proposed Bylaws 2-7(a)(1)(A)]*. Last, the ONEPC is required to approve a member's request to travel on behalf of the ONEPC by a majority vote of the members present at a 434 435 regular or emergency ONEPC meeting of an established quorum. [Proposed Bylaws 2-7(b)]. The 436 proposed bylaws comply and are not in conflict with the Nation's Travel and Expense Policy. 437

- F. Open Records and Open Meetings [1 O.C. Chapter 107]. This law sets the requirements for how 438 meetings of the Nation's governmental bodies shall be conducted and how materials from that meeting 439 440 maintained, as well as made available to the public. [1 O.C. 107.1 & 107.12]. "Governmental bodies" encompasses most of the Nation's boards, committees and commissions, the ONEPC included. /1 O.C. 441 107.31(d). Absent an exception, meetings of a governmental body are to be open to the public and the 442 443 materials therefrom available for public inspection so long as they constitute a "record" as defined 444 within the law. [1 O.C. 107.15 & 107.17]. In addition, the law provides the minimum requirements for how notice of a governmental meeting must be provided, as well as accessible, to the public. [1 O.C. 445 107.15-1]. The proposed bylaws assign the responsibility for noticing meetings of the ONEPC and 446 maintaining all materials therefrom to the ONEPC Secretary. [Proposed Bylaws 2-4 & 3-1]. Written 447 notice of meeting agendas, documents and minutes is to be provided to all ONEPC members at least 448 seventy-two (72) hours before each meeting and to the public in accordance with the Nation's Open 449 Records and Open Meetings law. [Proposed Bylaws 3-1(b)]. In addition, the proposed bylaws dictate 450 that materials from an ONEPC meeting are to be included with the meeting agenda/meeting minutes 451 for purposes of maintaining in accordance with the Nation's Open Records and Open Meetings law. 452 [Proposed Bylaws 6-3]. And, ONEPC meetings are to be open to the public and audio recorded except 453 454 during executive sessions. [Proposed Bylaws 6-5]]. The proposed bylaws comply and are not in conflict with the Nation's Open Records and Open Meetings law. 455
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457 G. Computer Resources Ordinance [2 O.C. Chapter 215]. This law regulates the use of computer 458 resources that are owned and operated by the Nation and, among other individuals, applies to members

- of a board, committee or commission. [2 O.C. 215.1-1 & 215.3-1(f)]. The proposed bylaws comply and
 are not in conflict with the Nation's Computer Resources Ordinance.
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462 H. Vehicle Driver Certification and Fleet Management [2 O.C. Chapter 210]. This law establishes 463 standards for individuals who drive a fleet vehicle or personal vehicle on official business and regulates 464 the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1]. The ONEPC is considered an 465 entity and ONEPC members considered officials who are authorized to travel on behalf of and in 466 vehicles owned by the Nation. [2 O.C. 210.3-1(g) & (j)]. The proposed bylaws comply and are not in 467 conflict with the Nation's Vehicle Driver Certification and Fleet Management law.

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- Conflict of Interest /2 O.C. Chapter 217. This law establishes specific limitations on the handling, as 469 I. 470 well as sharing, of information or materials that are confidential in nature or could be used by the Nation's competitors and/or providers during the negotiation process to the detriment of the Nation. [2] 471 O.C. 217.1-11. It applies to the Nation's employees, contractors, elected officials, officers, political 472 appointees and appointed/elected members of the Nation's boards, committees and commissions, /2 473 O.C. 217.1-1]. With respect to conflicts of interest, the proposed bylaws state that ONEPC members 474 shall abide by all laws of the Nation governing conflicts of interest. [Proposed Bylaws 4-5]. In addition, 475 ONEPC members that represent the community are required to sign a confidentiality agreement before 476 serving in their official capacity on the ONEPC. [Proposed Bylaws 4-5]. The proposed bylaws comply 477
- and do not conflict with the Nation's Conflict of Interest law.

Adopt emergency amendments to Landlord-Tenant Law rule #2 – Income Based Rental Program...

1. Meeting Date Requested: <u>1</u> / <u>27</u> / <u>21</u>

2. General Information:

	Session: 🛛 Open 🔲 Executive - See instructions for the applicable laws, then choose one:			
	Agenda Header: Standing Committees			
	Accept as Information only			
Action - please describe:				
	Adopt the emergency amendments to the Landlord-Tenant Law Rule No. 2 - Income Based Rental Program Eligibility, Selection and Other Requirements.			
3.	Supporting Materials			
	Report Resolution Contract			
	⊠ Other:			
	1. Redline/Clean Draft of Emergency Amendments 3. Financial Analysis			
	2.Summary Report 4.Statement of Effect			
	Business Committee signature required			
4.	Budget Information			
	Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted			
5.	Submission			
	Authorized Sponsor / Liaison: David P. Jordan, Councilmember			
	Primary Requestor/Submitter: Clorissa N. Santiago, LRO Senior Staff Attorney Your Name, Title / Dept. or Tribal Member			
	Additional Requestor: Name, Title / Dept.			
	Additional Requestor:			
	Name, Title / Dept.			

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The Comprehensive Housing Division is seeking emergency amendments to the Landlord Tenant Law Rule No. 2 Income Based Rental Program Eligibility, Selection and Other Requirements ("the Rule") to temporarily suspend eligibility requirements related to income and debt in response to the COVID-19 pandemic. The emergency amendments to the Rule would temporarily suspend the requirement that an individual meet a minimum household income of seven thousand and eight hundred dollars (\$7,800) per year in recognition of the community hardships brought on by the COVID-19 pandemic. [Rule 2.4-3] Additionally, the requirement that an individual not have a past due balance greater than two hundred dollars (\$200) owed to any utility provider or any prior debt owed to the Comprehensive Housing Division would also be temporarily suspended, provided that the health and safety safeguards will continue to require applicants to be eligible to have utilities turned on in their rental units. [Rule 2.4-4].

The Administrative Rulemaking law provides that an authorized agency may present the Legislative Operating Committee with a proposed emergency rule if the following conditions are met: 1. An emergency situation exists that requires the enactment or amendments of a rule for the immediate preservation of the public health, safety, or general welfare of the Reservation population; and 2. The enactment or amendment is required sooner than would be possible under the normal rulemaking procedures. [1 O.C. 106.10-1].

The Comprehensive Housing Division provides that the emergency amendments to the Rule are necessary for the immediate preservation of the public health, safety, and general welfare of the Reservation population during the COVID-19 pandemic. These amendments are required sooner than would be possible under the normal rulemaking procedures in an effort to meet the needs of the community during the COVID-19 pandemic. In e-mail correspondence to the Legislative Reference Office, the Comprehensive Housing Division provided the following justification for the emergency amendment to the Rule: The justification for the emergency basis is to ease community stress in an already stressful time, prevent homelessness which in turn assists in slowing the spread of the virus, and provide for efficient administration of the rental agreement renewal process which eliminated the need for limited term rental agreements based on not meeting minimum income eligibility requirements.

On January 20, 2021, the Legislative Operating Committee reviewed the proposed emergency amendments to the Rule, justification for the emergency promulgation of the Rule, and the summary report provided by the Comprehensive Housing Division as required by the Administrative Rulemaking law. [1 O.C. 106.10-2]. The Legislative Operating Committee certified that there is a valid basis for an emergency and has now forwarded the emergency amendments to the Rule to the Oneida Business Committee for consideration. [1 O.C. 106.10-3].

The Oneida Business Committee is now responsible for reviewing the proposed emergency amendments to the Rule and either rejecting the proposed emergency amendments to the Rule on the basis that there is not a valid emergency, or adopting the emergency amendments to the Rule. [1 O.C. 106.10-4].

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org

Draft – For Emergency Consideration (Redline) 2020 01 15



Title 6. Property and Land – Chapter 611

LANDLORD-TENANT Rule # 2 – Income Based Rental Program Eligibility, Selection and Other Requirements 2.1. Purpose and Delegation

2.2. Adoption, Amendment and Repeal2.3. Definitions

2.4. Eligibility Requirements

2.5. Application Process and Wait List

2.6. Tenant Selection

2.7. Rental Unit Catalog, Setting Rents and Security Deposits2.8. Annual Inspection and Rental Agreement Renewal

2.9. Rental Agreement Cancellation

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16 2.1. Purpose and Delegation

2.1-1. *Purpose*. The purpose of this rule is to provide additional eligibility requirements, selection
 procedures and general requirements that govern the Comprehensive Housing Division's income-

based rental programs. The mission of the income-based housing program is to develop, maintain,

and operate affordable housing in safe, sanitary and healthy environments within the reservation.
 2.1-2. *Authority*. The Landlord-Tenant law delegated the Comprehensive Housing Division and

22 Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

However that delegation excluded the Land Commission from having joint authority where the

rules relate solely to premises administered pursuant to federal funding. Accordingly, the

25 Comprehensive Housing Division has sole rulemaking authority for these rules.

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27 2.2. Adoption, Amendment and Repeal

28 2.2-1. This rule was adopted by the Comprehensive Housing Division in accordance with the
 29 procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the approval of the Comprehensive Housing
 Division pursuant to the procedures set out in the Administrative Rulemaking law.

32 2.2-3. Should a provision of this rule or the application thereof to any person or circumstances be

- held as invalid, such invalidity shall not affect other provisions of this rule which are considered
 to have legal force without the invalid portions.
- 35 2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule,
 36 internal policy, procedure or other regulation, the provisions of this rule control.
- 2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements
 relating to the Landlord-Tenant law.
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40 **2.3. Definitions**

2.3-1. This section governs the definitions of words and phrases used within this rule. All words
not defined herein are to be used in their ordinary and everyday sense.

44 specifically related to rental agreements as defined by Oneida Business Committee 45 Resolution.¹ 46 (b) "Household" means all persons residing within the income-based rental unit. (c) "HUD" means the United States Department of Housing and Urban Development. 47 48 (b) "Landlord" means the Nation in its capacity to rent real property subject to a rental 49 agreement. 50 (c) "Nation" means the Oneida Nation. (d) "Premises" means the property covered by a rental agreement, including not only the 51 52 real property and fixtures, but also any personal property furnished by the landlord pursuant 53 to a rental agreement. 54 (e) "Rental Agreement" means a written contract between a landlord and a tenant, whereby 55 the tenant is granted the right to use or occupy the premises for a residential purpose for 56 one (1) year or less. 57 (f) "Tenant" means the person granted the right to use or occupy a premises pursuant to a 58 rental agreement. (g) "Tribal member" means an enrolled member of the Nation. 59 (h) "Security Deposit" means a payment made to the landlord by the tenant to ensure that 60 rent will be paid and other responsibilities of the rental agreement performed. 61 62 63 2.4. **Eligibility Requirements** 64 2.4-1. Tribal Member Status. At least one (1) of the household members listed in the household 65 composition is required to be a Tribal member. Comprehensive Housing Division staff shall verify enrollment status by either requiring a copy of the Tribal Identification Card or requesting 66 verification from the Trust Enrollment Department. 67 68 2.4-2. Maximum Income. Pursuant to the Native American Housing Assistance and Self 69 Determination Act (NAHASDA), in order to be eligible for an income-based rental agreement, the 70 household must qualify as low income at the time of initial occupancy. In order to qualify as low-71 income, applicants' household income may not exceed eighty percent (80%) of the regional gross annual income based on the data from Outagamie County.² For the purposes of this section, gross 72 73 annual income is all income from any and all sources of income from all adult members of the 74 household anticipated to be received in an upcoming twelve (12) month period unless specifically 75 excluded from income in this section. Applicants shall provide Comprehensive Housing Division 76 staff written verification of income. 77 (a) For purposes of calculating income to determine eligibility, the Comprehensive 78 Housing Division staff shall include per capita payments to the extent that receipt of per 79 capita payment may be verified for the prior year based on the tax return. 80 (b) For the purpose of calculating income to determine eligibility, the Comprehensive 81 Housing Division staff shall include in annual income net income from household assets 82 where net household assets are defined in accordance with 24 CFR 5.603.³ ¹ See BC Resolution 10-12-16-D providing that for purposes of the Landlord-Tenant law, the Comprehensive Housing Division means the Division of Land Management for general rental agreements, the Oneida Housing Authority for

(a) "Comprehensive Housing Division" means the entity responsible for housing matters

Division means the Division of Land Management for general rental agreements, the Oneida Housing Authority for income-based rental agreements and Elder Services for rental agreements through the Elder Services program. ² Pursuant to resolution BC-01-25-12-A, Outagamie County is designated as the data source for collecting regional

gross income for determining low-income housing eligibility because the income in that area is generally higher than Brown County's and results in more persons being eligible based on the income requirements.

³ See HUD Occupancy Handbook, Exhibit 5-2: Assets.

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83	(bc) For purposes of calculating income to determine eligibility, the Comprehensive
84	Housing Division staff may not include the following:
85	(1) Income from employment of any household minors;
86	(2) Payments received for the care of foster children and/or handicapped/mentally
87	incompetent adults;
88	(3) Lump-sum additions to household assets including, but not limited to,
89	inheritances, insurance payments, capital gains, and settlements for personal and/or
90	property losses, excluding payments in lieu of earnings, such as unemployment,
91	disability compensation, worker's compensation, and severance pay, which are
92	included in income;
93	(4) Amounts received by the household that is specifically for, or in reimbursement
94	of, the cost of medical expenses for any member of the household;
95	(5) Income of a live-in medical aide;
96	(6) Any amounts received as student financial assistance;
97	(7) Income of any adult household members that are students, other than the head
98	of household, in excess of \$480 annually; the first \$480 of annual income received
99	by an adult student household member shall be included as income;
100	(8) Payments made to any member of the household serving in the armed forces
101	for exposure to hostile fire;
102	(9) Amounts received under training programs funded by HUD;
103	(10) Amounts received by persons with disabilities, which amounts are disregarded
104	for a limited time for purposes of Supplemental Security Income eligibility and
105	benefits because such amounts are set aside for use under a Plan for Achieving Self-
106 107	Support; (11) Temperary, performing and/or sparadia income (including gifts);
107	(11) Temporary, nonrecurring and/or sporadic income (including gifts);(12) Adoption assistance payments that exceed \$480 annually; the first \$480 of
108	annual adoption assistance payments shall be included as income;
110	(13) Deferred periodic amounts from supplemental security income and social
111	security benefits that are received in a lump sum amount or in prospective
112	monthly amounts.
112	(14) Amounts paid by a state agency to a member of the household with a
114	developmental disability to offset the cost of services and/or equipment needed to
115	keep the developmentally disabled member living in the household; and
116	(15) Amounts specifically excluded from income by any applicable federal statute
117	and/or regulation, specifically those identified in the Federal Register. ⁴
118	2.4-3. <i>Minimum Income</i> . Applicants shall meet a minimum household income of \$7,800 per year.
119	This provision is temporarily suspended in order to address the community hardships brought on
120	by the global COVID-19 pandemic.
121	2.4-4. Outstanding Debts. Applicants for a rental agreement may not have a past due balance
122	greater than two hundred dollars (\$200) owed to any utility provider and may not have any prior
123	debt owed to the Comprehensive Housing Division. <u>This provision is temporarily suspended in</u>
124	order to address the community hardships brought on by the global COVID-19 pandemic, provided
125	that health and safety safeguards will continue to require applicants to be eligible to have utilities
126	turned on in their rental units.

⁴ The most recent notice of federally required exclusions was published on December 14, 2012 and can be found in the Federal Register at 77 FR 74495.

2.4-5. Prior Comprehensive Housing Division Eviction. Applicants that have had a rental 127 128 agreement with the Comprehensive Housing Division subject to an eviction and termination within 129 two (2) years from the date of the application are not eligible to participate in the income-based 130 rental program.

2.4-6. Criminal Convictions. Applicants with any of the following types of convictions are not 131 eligible for participation in the income-based rental program, provided that the Pardon and 132 133 Forgiveness law may provide an exception to the conditions contained in this section:

- 134 (a) A drug conviction within three (3) years from the date of application;
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 - (b) A felony conviction within five (5) years from the date of application; and/or

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(c) A criminal conviction based upon an act of violence within two (2) years from the date

137 of the application.

138 2.4-7. Pardon and Forgiveness. A grant of a pardon or forgiveness pursuant to the Nation's 139 Pardon and Forgiveness law may result in an otherwise ineligible tenant becoming eligible.

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141 2.5. **Application Process and Wait List**

2.5-1. Applying. Persons wishing to participate in the income-based housing program shall 142 143 complete the Comprehensive Housing Division rental agreement application and any other 144 accompanying forms required based on the income-based program eligibility requirements. The 145 Comprehensive Housing Division staff may not consider any applications for selection and/or 146 placement on the wait list until the application and all accompanying forms are complete. Upon 147 receipt of a completed application, including all supplementary forms, Comprehensive Housing 148 Division staff shall date and time stamp the application. If, regardless of a complete application 149 submittal, additional information is required to determine eligibility, the Comprehensive Housing 150 Division staff shall request such information and maintain the application submittal date provided 151 that the applicant responds to the information requests in a reasonably timely fashion.

- 152 (a) Household Composition Form. The Comprehensive Housing Division staff shall require applicants to the income-based housing program to complete a Household 153 154 Composition Form which provides the full name, age and date of birth of each person 155 contemplated to reside in the income-based rental unit. In order to verify such information, 156 the Comprehensive Housing Division staff shall require that applicants submit the 157 following with the Household Composition Form:
- 158 (1) Copies of social security cards for each person contemplated to reside in the 159 income-based rental unit, provided that for newly born babies that have not yet been 160 issued a social security card a birth certificate is sufficient;
- 161 (2) A copy of a picture identification card for each adult contemplated to reside in 162 the income-based rental unit:
- (3) If any adults in the home are enrolled in post-secondary education, verification 163 164 of enrollment in the form of a financial aid award letter or other documentation 165 directly from the school; and
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(4) If an adult in the household is the custodial parent/guardian of a minor, a copy of the court documents which awarded such placement.

(b) Background Checks. In order to ensure compliance with the eligibility requirements 168 169 of the Landlord-Tenant law and these rules, Comprehensive Housing Division staff shall 170 perform a background check on each adult in the household. Household adults are also 171 subject to annual background checks upon annual rental agreement renewal pursuant to 2.8-5 and as may be determined to be necessary to maintain the safety of the community 172

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by the Comprehensive Housing Division staff.

- 174 2.5-2. Notification of Eligibility, Placement on the Wait List. When Comprehensive Housing
- 175 Division staff completes its review of an application and determines the applicant(s) eligible for 176 the income-based rental program, the staff shall:
- (a) Place the applicant(s) into one (1) of the following categories of renters based on the household size and needs as provided below:
 (1) Single Adult/Adult Couple A maximum of two (2) adults in the household.
 - (1) Single Adult/Adult Couple A maximum of two (2) adults in the household, no children.
 - (2) Small Household A maximum four (4) household members in the household.
 - (3) Large Household A household of five (5) or more household members.
- 183 (4) Elder A household with a maximum of two (2) adults and no children wherein
- 184at least one (1) adult is sixty-two (62) years old or older at the time of application.185(5) Minimum Handicap Accessibility Required For each of the category types186Image: the second second
- 186provided in subsections (1)-(4) above, there shall be an additional category for each187requiring minimum handicap accessibility. This category shall be reserved for188households with at least one (1) household member requiring permanent and189minimal handicap accessibility (i.e. permanent use of a walker); this category190includes all handicap needs that do not amount to full wheelchair accessibility.
- (6) Maximum Handicap Accessibility Required For each of the category types provided in subsections (1)-(4) above, there shall be an additional category for each in which as least one (1) household member requires full wheelchair handicap accessibility.
 (b) Determine whether there is a wait list for the type of rental unit required based on the
 - (b) Determine whether there is a wait list for the type of rental unit required based on the applicant's category of renter.
- (1) If there is a wait list established, place the applicant on the wait list based on the date and time stamp of the application. At such time, Comprehensive Housing Division staff shall provide the applicant with notice of their placement on the wait list and the requirement to update their application should anything change prior to their designated use of rental unit becoming available. An applicant may request to be removed from the wait list at any time.
- 203 (2) If there is not a wait list established and there are available rental units available
 204 for the applicant's renter category, move to the tenant selection process provided in
 205 sections 2.6-3 and 2.6-4.
- 206 2.5-3. *Notification of Ineligibility*. If review of a complete submitted application and/or annual 207 renewal reveals that an applicant is ineligible to participate in the income-based rental program 208 based on the Landlord-Tenant law and/or rules, the Comprehensive Housing Division staff shall 209 notify the applicant of the cause of the ineligibility and how the applicant may become eligible in 210 the future. At such time, Comprehensive Housing Division staff shall also inform the applicant of 211 other housing opportunities offered by the Nation for which the applicant may be eligible, if
- 212 applicable.
- 213 2.5-4. *Required Application Updates*. Applicants on the wait list are required to update the 214 application, at a minimum, annually, but also whenever information submitted on the application 215 has changed. Applicants that fail to complete the application update within the allotted timeframe 216 will be removed from the wait list and required to re-apply for future consideration absent proof 217 of extenuating circumstances, for which Comprehensive Housing Division staff may provide a
- 218 grace period of a maximum of ten (10) calendar days. For any updated application that reveals an

applicant has become ineligible, Comprehensive Housing Division staff shall remove the applicant

- from the wait list and provide the applicant notice of the cause for ineligibility.
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222 2.6. Tenant Selection

223 2.6-1. *Household Size and Available Units*. When a rental premise becomes available, the 224 Comprehensive Housing Division staff shall preliminarily select a tenant based on the first 225 applicant on the wait list for the said unit type based on the corresponding renter and unit 226 categorization. In the event that a handicap accessible unit becomes available and there are no 227 applicants on the wait list for the said type of handicap accessible unit, an applicant from the same 228 renter category that does not require handicap accessibility may be selected for the said unit.

229 2.6-2. Notice of Tenant Selection. When an applicant is selected for a rental unit in accordance 230 with this section, the Comprehensive Housing Division staff shall provide the applicant with notice 231 of tenant selection. The notice, at a minimum, shall include the address of the rental premise, the 232 required security deposit and monthly rent, and a requirement that the applicant respond within 233 fifteen (15) calendar days to accept/reject the rental premise noting that the security deposit is due at the time of acceptance. Applicants that pay a security deposit and fail to complete the selection 234 235 process to actually take occupancy forfeit the security deposit to the Comprehensive Housing 236 Division as consideration for holding the unit. Comprehensive Housing Division shall return the 237 security deposit to the applicant only in circumstances where the applicant is prevented from 238 entering the rental agreement based on a loss of eligibility due to circumstances outside of the 239 applicant's control (i.e. death of a Tribal member that made the household eligible for the income-240 based rental program).

- (a) *Failure to Respond or Rejecting a Rental Premise*. If a rental premise is rejected for
 any reason or the applicant fails to respond to the notice, Comprehensive Housing Division
 staff shall remove the applicant from the wait list; in such circumstances the applicant may
 re-apply for the income-based rental program following a ninety (90) calendar day period
 of ineligibility.
- (b) Accepting a Rental Premise. In order for an applicant's acceptance of a rental premise
 to be complete, the applicant shall submit along with the acceptance a payment for the full
 security deposit. Prior to accepting a security deposit payment, Comprehensive Housing
 Department staff shall verify that the applicant remains eligible for the income-based rental
 program and the rental unit type based on the household's categorization.
 - (1) Standard Timeframe for Completing the Rental Agreement and Taking Occupancy. Except as provided in subsection (2) below, applicants that have accepted a rental premise from the income-based rental program have five (5) calendar days from the date of acceptance and payment of the security deposit to:
 - (A)Reconfirm that they remain eligible for the income-based rental program and remain in the same category of renters;
 - (B) Pay the first month's rent; and
 - (C) Execute the rental agreement and all required supplemental forms, provided that the agreement may not be executed until (A) and (B) are complete.
- 261 (2) Extended Timeframe for Completing the Rental Agreement for Applicants
 262 Providing Termination Notice to Another Landlord or Housing Program. The
 263 Comprehensive Housing Division offers an extended timeframe for applicants
 264 required to provide thirty (30) or more calendar or business days' notice of

265 termination of a rental agreement to a current landlord or housing program. In such 266 circumstances, in order to qualify for the extended timeframe, the applicant shall 267 provide proof of the notice requirement in his/her current rental agreement by 268 submitting the signed rental agreement to the Comprehensive Housing Division. Upon submittal of such proof, the applicant shall have thirty (30) calendar days 269 270 from the date of acceptance and payment of the security deposit to:

- 271 (A)Reconfirm that they remain eligible for the income-based rental 272 program and remain in the same category of renters;
- 273 (B) Pay the first month's rent; and
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(C) Execute the rental agreement and all required supplemental forms. provided that the agreement may not be executed until (A) and (B) are complete.

277 (3) Taking Occupancy. The Comprehensive Housing Division shall provide the 278 tenant with keys to the rental premises upon execution of the rental agreement. As 279 such time, the Comprehensive Housing Division staff shall provide the tenant with 280 a check-in sheet and notice the tenant that he/she has seven (7) calendar days from 281 the date the tenant takes occupancy to complete the check-in sheet and submit it to 282 the Comprehensive Housing Division. 283

284 2.7. **Rental Unit Catalog, Setting Rents and Security Deposits**

2.7-1. Rental Unit Catalog. The Comprehensive Housing Division shall maintain a catalog of all 285 286 rental units included in the income-based rental program. Said catalog shall categorize each rental 287 unit based on designated use for the type of renter in accordance with the types of renters 288 established in section 2.5-2(a).

289 2.7-2. Setting Rents. The Comprehensive Housing Division shall determine the required monthly 290 rent for each household based on the household's income in accordance with the following:

- 291 (a) Rent may not exceed thirty percent (30%) of the household's adjusted gross income 292 based on the income calculation requirements provided in section 2.4-3. Adjusted gross 293 income means the annual household income remaining after the Comprehensive Housing 294 Division staff applies the following deductions:
- 295 (1) Dependent Deduction. A deduction of \$480.00 from annual income for each 296 household minor dependent or adult dependent where the adult dependent is either 297 a full-time student or a person with disabilities.

298 (2) Elder and/or Disabled Deduction. A total deduction of \$400.00 from annual 299 income for a household in which: 300

- (A) A household member is sixty-two (62) years of age or older; and/or
- (B) A household member is a person with a disability.
- 302 (3) Medical and Attendant Expenses. For a household qualifying under 2.7-2(a)(2), a deduction for medical expenses⁵ that are in excess of three percent (3%) of annual 303 304 income and all expenses for live-in periodic attendant care assistance or apparatus 305 to the extent necessary to enable a member of the family to be employed.
- 306 (4) Child Care Expenses. A deduction for reasonable child care expenses from annual income if the child care: 307 308
 - (A) Enables an adult household member to seek employment activity, be gainfully employed, or further his/her education; and

⁵ Medical expenses are those identified in Title VII, Section IV of NAHASDA.

- 310 (B) Expenses are not reimbursed. 311 (5) Child Support for a Household Minor. A deduction for the full amount of child 312 support paid by a household member for a household minor (i.e. when the parent 313 paying child support lives in the same household as the child for which the parent 314 is paying child support). 315 (6) Earned Income of Minors. A deduction in the amount of any earned income of 316 any minor household member. 317 (7) Travel Expenses for Employment or Education-Related Travel. A maximum 318 deduction of \$25.00 per week for travel expenses for employment or education 319 related travel. 320 (b) Monthly rent may not exceed the fair market rents of the rental premise as determined 321 by the data for Outagamie County. 322 (c) Households with any member that gualifies as a party listed below shall receive 323 preferential rent wherein the Comprehensive Housing Division may not charge rent that 324 exceeds twenty percent (20%) of the household's adjusted gross income based on the 325 income calculation requirements provided in section 2.4-3. 326 (1) Elder Tribal Member – A Tribal member that is sixty-two (62) years old or 327 older. 328 (2) Handicapped Tribal Member – A Tribal member that has a physical disability 329 as documented by a medical provider/or proof of disability payments. 330 (3) Legally Incompetent Adult Tribal Member – A Tribal member that has been 331 determined to be a legally incompetent adult based on the findings of a court of 332 competent jurisdiction. 333 (4) Mentally Disabled Minor Tribal Member – A Tribal member under the age of 334 eighteen (18) years old that has a mental disability as documented by a medical 335 provider. 336 2.7-3. Standard Security Deposit. Comprehensive Housing Division staff shall set the standard 337 security deposit required for each rental premise in the income-based rental program at \$350.00. 338 2.7-4. Increased Security Deposit for Pets. Tenants in the Comprehensive Housing Division's 339 general rental program may have pets in accordance with the Domestic Animal Ordinance, 340 provided that an increased security deposit is required. 341 (a) The standard security deposit does not apply to tenants with pets. Comprehensive 342 Housing Division staff shall set the increased security deposit required for households with 343 pets at a rate of \$350.00 plus an additional \$200.00 per pet. 344 (b) In the event that a tenant wishes to acquire a pet after the rental agreement has been 345 signed, the tenant shall notify the Comprehensive Housing Division and shall pay the 346 difference between the increased security deposit for pets and the standard security deposit. 347 Tenants that fail to report a pet in the household may be assessed charges for an increased 348 security deposit for pets if such pets are reported to the Comprehensive Housing Division 349 and/or discovered at the time of an inspection. 350 351 2.8. **Annual Inspection and Rental Agreement Renewal** 352 2.8-1. Scheduling Annual Inspections. Comprehensive Housing Division staff shall schedule
- 353 tenants' annual inspections for a date that is within ninety (90) calendar days of the expiration of 354 the tenants' rental agreement.
- 355 2.8-2. Inspection Checklist. Comprehensive Housing Division staff completing the annual

inspection shall use the checklist that is approved by the Comprehensive Housing Division
 director. Upon completion of the inspection, Comprehensive Housing Division staff shall request
 that the tenant(s) sign the completed checklist.

2.8-3. *Damages*. Tenants are required to pay costs to repair any damages to the rental premises discovered during the annual inspection that do not amount to normal wear an tear. Payment for such costs must be received by the Comprehensive Housing Division prior to signing a rental agreement renewal, provided that the Comprehensive Housing Division may offer the tenant a payment agreement in for the damages, in which case the repayment agreement shall be signed prior to the rental agreement renewal.

365 2.8-4. *Immediate Notice of Change in Household Composition and/or Income*. Tenants shall
 366 immediately notify the Comprehensive Housing Division of any change in the tenant's household
 367 composition and/or income, regardless of the date scheduled for the annual renewal.

- 368 (a) *Change in Household Composition*. If a change in the household composition changes 369 the tenant's category of renter based on section 2.5-2(a), the Comprehensive Housing 370 Division staff shall work to transfer the household to a rental unit of corresponding 371 category as soon as possible. If no such units are currently available, Comprehensive 372 Housing Division staff shall move the tenant to the top of the waiting list. In order to be 373 transferred or placed on a wait list, the tenant shall demonstrate that they remain eligible 374 for the income-based rental program and are current with rent and utility payments. 375 Tenants are only eligible for rental unit transfers within their current category of renter if, 376 in the Comprehensive Housing Division's discretion, the transfer is needed to better 377 accommodate the household composition.
- 378 (b) Change in Household Income. A change in household income may cause a change in 379 the amount of monthly rent required, accordingly, any change in household income that is 380 not reported within thirty (30) calendar days of the change shall result in a retroactive 381 adjustment of the rent if the change results in an increase of rent payments. Retroactive 382 rent shall be applied for each month there was a change in income that was not reported. 383 excluding the initial thirty (30) calendar days provided to the tenant to report the change. 384 The tenant is responsible for payment of all current and retroactive adjustments of rent and 385 may be eligible for a repayment agreement, provided that in all circumstances and retroactive rental arrears shall be paid in full within one (1) year. 386
- (c) *Rental Agreement Amendment*. Should a change in household size and/or income cause
 a change in the terms of the tenant's rental agreement, an amendment to the rental
 agreement is required to be executed.

2.8-5. *Rental Agreement Renewal*. Each rental agreement is limited to a twelve (12) month term.
Tenants wishing to remain in the property are required to complete the annual rental agreement
renewal by verifying that the household continues to meet all eligibility requirements contained in
the Landlord-Tenant law and rules excluding the maximum income requirement provided in article
2.4-2. Once continued eligibility is verified, tenants that remain eligible are required to sign a
rental agreement renewal.

(a) The Comprehensive Housing Division may, in its discretion, decline renewal of a rental agreement if it determines that the renewal is not in the best interest of the Nation. (b)
In the event a tenant fails to enter a rental agreement renewal and has not vacated the rental premises within thirty (30) calendar days of the expiration of the rental agreement, the Comprehensive Housing Division shall initiate the eviction process pursuant to the Eviction and Termination law.

2.8-6. Ineligibility Due to Renewal or an Update of Household Information. Comprehensive 402 403 Housing Division staff shall provide tenants that become ineligible to participate in the income-404 based rental program based on a renewal or update of household information with notice 405 specifying the cause of the ineligibility and, if possible, how the household may reinstate 406 eligibility.

- 407 (a) Ineligibility Due to Renewal. In circumstances where the tenant learns of ineligibility 408 as part of the annual renewal, Comprehensive Housing Division staff shall include in the 409 notice of ineligibility that renewal of the rental agreement is not available at such time and 410 that the tenant is entitled to a minimum of a thirty (30) day notice to cure, by reinstating 411 eligibility, or vacate.
- (b) Ineligibility Due to an Update of Household Information. In circumstances where the 412 413 tenant learns of ineligibility as part of an update of household information, Comprehensive 414 Housing Division staff shall include in the notice of ineligibility the warning of potential 415 termination in accordance with the rental agreement. In the event the tenant is unable to 416 or fails to reinstate their eligibility in accordance with the timeline provided in the notice. 417 the Comprehensive Housing Division shall permit the tenant to remain in the unit for the 418 longer of the duration of the rental agreement or ninety (90) calendar days from the date of 419 the notice of ineligibility.
- 420 (1) If the tenants' circumstances result in the tenant completing the term of the 421 rental agreement, eligibility shall be reconsidered at the time of the annual renewal. 422 If the tenant remains ineligible at the time of renewal, article 2.8-6(a) applies.
- 423 (2) If the tenants' circumstances result in the tenant receiving a thirty (30) calendar 424 day notice to cure or ninety (90) calendar day notice to vacate, the tenant shall enter 425 a limited term rental agreement to cover any time which exceeds the current rental 426 agreement.
- (c) Limited Term Rental Agreements. Limited term rental agreements are available in 427 428 accordance with article 2.8-6(a) and (b) of these rules and section 611.9-4 of the Landlord-429 Tenant law. At a minimum, limited term rental agreement shall include: 430
 - (1) The date of the original notice of ineligibility;
- 431 (2) An explanation that the tenant has thirty (30) calendar days to reinstate 432 eligibility;
- 433 (3) As applicable, an explanation that if eligibility is not timely reinstated, that the 434 limited term rental agreement takes the place of the thirty (30) calendar day notice 435 to cure or vacate required by the Eviction and Termination law; and
- 436 (4) An explanation that if eligibility is not timely reinstated, the rental unit will be 437 reclaimed including the date the locks will be changed. 438

439 2.9. **Rental Agreement Cancellation**

- 2.9-1. Two Week Notice Required. Tenant wishing to cancel a rental agreement in the general 440 441 rental program are requested to provide the Comprehensive Housing Division with a minimum of 442 two (2) weeks of notice.
- 443 2.9-2. Prorated Rent. In the event of cancellation of a rental agreement or abandonment of the 444 rental premises, the Comprehensive Housing Division staff shall prorate the required last month's 445 rent payment based upon the greater of the following:
- 446 (a) The number of calendar days the unit was occupied in the last month; or
- (b) Two (2) weeks from the date of cancellation or the date the Comprehensive Housing 447

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448		Division learns of abandonment.
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450	End.	
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451 452 453 Original effective date: 04-13-17 Amended:

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Title 6. Property and Land – Chapter 611

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16 **2.1.** Purpose and Delegation

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19 based rental programs. The mission of the income-based housing program is to develop, maintain, 20 and operate affordable housing in safe, sanitary and healthy environments within the reservation.

21 2.1-2. *Authority*. The Landlord-Tenant law delegated the Comprehensive Housing Division and

22 Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

23 However that delegation excluded the Land Commission from having joint authority where the

rules relate solely to premises administered pursuant to federal funding. Accordingly, the

25 Comprehensive Housing Division has sole rulemaking authority for these rules.

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27 2.2. Adoption, Amendment and Repeal

28 2.2-1. This rule was adopted by the Comprehensive Housing Division in accordance with the29 procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the approval of the Comprehensive Housing
 Division pursuant to the procedures set out in the Administrative Rulemaking law.

32 2.2-3. Should a provision of this rule or the application thereof to any person or circumstances be

- held as invalid, such invalidity shall not affect other provisions of this rule which are considered
 to have legal force without the invalid portions.
- 35 2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule,
 36 internal policy, procedure or other regulation, the provisions of this rule control.
- 2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirementsrelating to the Landlord-Tenant law.
- 39

40 **2.3. Definitions**

2.3-1. This section governs the definitions of words and phrases used within this rule. All wordsnot defined herein are to be used in their ordinary and everyday sense.

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45 Resolution.¹ 46 (b) "Household" means all persons residing within the income-based rental unit. (c) "HUD" means the United States Department of Housing and Urban Development. 47 48 (b) "Landlord" means the Nation in its capacity to rent real property subject to a rental 49 agreement. 50 (c) "Nation" means the Oneida Nation. (d) "Premises" means the property covered by a rental agreement, including not only the 51 52 real property and fixtures, but also any personal property furnished by the landlord pursuant 53 to a rental agreement. 54 (e) "Rental Agreement" means a written contract between a landlord and a tenant, whereby 55 the tenant is granted the right to use or occupy the premises for a residential purpose for 56 one (1) year or less. 57 (f) "Tenant" means the person granted the right to use or occupy a premises pursuant to a 58 rental agreement. (g) "Tribal member" means an enrolled member of the Nation. 59 (h) "Security Deposit" means a payment made to the landlord by the tenant to ensure that 60 rent will be paid and other responsibilities of the rental agreement performed. 61 62 63 2.4. **Eligibility Requirements** 64 2.4-1. Tribal Member Status. At least one (1) of the household members listed in the household 65 composition is required to be a Tribal member. Comprehensive Housing Division staff shall verify enrollment status by either requiring a copy of the Tribal Identification Card or requesting 66 verification from the Trust Enrollment Department. 67 68 2.4-2. Maximum Income. Pursuant to the Native American Housing Assistance and Self 69 Determination Act (NAHASDA), in order to be eligible for an income-based rental agreement, the 70 household must qualify as low income at the time of initial occupancy. In order to qualify as low-71 income, applicants' household income may not exceed eighty percent (80%) of the regional gross annual income based on the data from Outagamie County.² For the purposes of this section, gross 72 73 annual income is all income from any and all sources of income from all adult members of the 74 household anticipated to be received in an upcoming twelve (12) month period unless specifically 75 excluded from income in this section. Applicants shall provide Comprehensive Housing Division 76 staff written verification of income. 77 (a) For purposes of calculating income to determine eligibility, the Comprehensive 78 Housing Division staff shall include per capita payments to the extent that receipt of per 79 capita payment may be verified for the prior year based on the tax return. 80 (b) For the purpose of calculating income to determine eligibility, the Comprehensive 81 Housing Division staff shall include in annual income net income from household assets 82 where net household assets are defined in accordance with 24 CFR 5.603.³

(a) "Comprehensive Housing Division" means the entity responsible for housing matters

specifically related to rental agreements as defined by Oneida Business Committee

¹ See BC Resolution 10-12-16-D providing that for purposes of the Landlord-Tenant law, the Comprehensive Housing Division means the Division of Land Management for general rental agreements, the Oneida Housing Authority for income-based rental agreements and Elder Services for rental agreements through the Elder Services program.

² Pursuant to resolution BC-01-25-12-A, Outagamie County is designated as the data source for collecting regional gross income for determining low-income housing eligibility because the income in that area is generally higher than Brown County's and results in more persons being eligible based on the income requirements.

³ See HUD Occupancy Handbook, Exhibit 5-2: Assets.

83 (c) For purposes of calculating income to determine eligibility, the Comprehensive 84 Housing Division staff may not include the following: 85 (1) Income from employment of any household minors; 86 (2) Payments received for the care of foster children and/or handicapped/mentally 87 incompetent adults; 88 (3) Lump-sum additions to household assets including, but not limited to, 89 inheritances, insurance payments, capital gains, and settlements for personal and/or 90 property losses, excluding payments in lieu of earnings, such as unemployment, 91 disability compensation, worker's compensation, and severance pay, which are 92 included in income; 93 (4) Amounts received by the household that is specifically for, or in reimbursement 94 of, the cost of medical expenses for any member of the household; 95 (5) Income of a live-in medical aide; 96 (6) Any amounts received as student financial assistance; 97 (7) Income of any adult household members that are students, other than the head 98 of household, in excess of \$480 annually; the first \$480 of annual income received 99 by an adult student household member shall be included as income; 100 (8) Payments made to any member of the household serving in the armed forces 101 for exposure to hostile fire; 102 (9) Amounts received under training programs funded by HUD; 103 (10) Amounts received by persons with disabilities, which amounts are disregarded 104 for a limited time for purposes of Supplemental Security Income eligibility and 105 benefits because such amounts are set aside for use under a Plan for Achieving Self-106 Support: 107 (11) Temporary, nonrecurring and/or sporadic income (including gifts); 108 (12) Adoption assistance payments that exceed \$480 annually; the first \$480 of 109 annual adoption assistance payments shall be included as income; 110 (13) Deferred periodic amounts from supplemental security income and social 111 security benefits that are received in a lump sum amount or in prospective 112 monthly amounts. (14) Amounts paid by a state agency to a member of the household with a 113 114 developmental disability to offset the cost of services and/or equipment needed to 115 keep the developmentally disabled member living in the household; and 116 (15) Amounts specifically excluded from income by any applicable federal statute 117 and/or regulation, specifically those identified in the Federal Register.⁴ 2.4-3. *Minimum Income*. Applicants shall meet a minimum household income of \$7,800 per vear. 118 119 This provision is temporarily suspended in order to address the community hardships brought on 120 by the global COVID-19 pandemic. 2.4-4. Outstanding Debts. Applicants for a rental agreement may not have a past due balance 121 122 greater than two hundred dollars (\$200) owed to any utility provider and may not have any prior 123 debt owed to the Comprehensive Housing Division. This provision is temporarily suspended in 124 order to address the community hardships brought on by the global COVID-19 pandemic, provided 125 that health and safety safeguards will continue to require applicants to be eligible to have utilities 126 turned on in their rental units.

⁴ The most recent notice of federally required exclusions was published on December 14, 2012 and can be found in the Federal Register at 77 FR 74495.

127 2.4-5. Prior Comprehensive Housing Division Eviction. Applicants that have had a rental 128 agreement with the Comprehensive Housing Division subject to an eviction and termination within 129 two (2) years from the date of the application are not eligible to participate in the income-based 130 rental program.

2.4-6. Criminal Convictions. Applicants with any of the following types of convictions are not 131 eligible for participation in the income-based rental program, provided that the Pardon and 132 133 Forgiveness law may provide an exception to the conditions contained in this section:

- 134 (a) A drug conviction within three (3) years from the date of application;
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 - (b) A felony conviction within five (5) years from the date of application; and/or

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(c) A criminal conviction based upon an act of violence within two (2) years from the date

137 of the application.

138 2.4-7. Pardon and Forgiveness. A grant of a pardon or forgiveness pursuant to the Nation's 139 Pardon and Forgiveness law may result in an otherwise ineligible tenant becoming eligible.

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141 2.5. **Application Process and Wait List**

2.5-1. Applying. Persons wishing to participate in the income-based housing program shall 142 143 complete the Comprehensive Housing Division rental agreement application and any other 144 accompanying forms required based on the income-based program eligibility requirements. The 145 Comprehensive Housing Division staff may not consider any applications for selection and/or 146 placement on the wait list until the application and all accompanying forms are complete. Upon 147 receipt of a completed application, including all supplementary forms, Comprehensive Housing 148 Division staff shall date and time stamp the application. If, regardless of a complete application 149 submittal, additional information is required to determine eligibility, the Comprehensive Housing 150 Division staff shall request such information and maintain the application submittal date provided 151 that the applicant responds to the information requests in a reasonably timely fashion.

- 152 (a) Household Composition Form. The Comprehensive Housing Division staff shall require applicants to the income-based housing program to complete a Household 153 154 Composition Form which provides the full name, age and date of birth of each person 155 contemplated to reside in the income-based rental unit. In order to verify such information, 156 the Comprehensive Housing Division staff shall require that applicants submit the 157 following with the Household Composition Form:
- 158 (1) Copies of social security cards for each person contemplated to reside in the 159 income-based rental unit, provided that for newly born babies that have not yet been 160 issued a social security card a birth certificate is sufficient;
- 161 (2) A copy of a picture identification card for each adult contemplated to reside in 162 the income-based rental unit:
- (3) If any adults in the home are enrolled in post-secondary education, verification 163 164 of enrollment in the form of a financial aid award letter or other documentation 165 directly from the school; and
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(4) If an adult in the household is the custodial parent/guardian of a minor, a copy of the court documents which awarded such placement.

(b) Background Checks. In order to ensure compliance with the eligibility requirements 168 169 of the Landlord-Tenant law and these rules, Comprehensive Housing Division staff shall 170 perform a background check on each adult in the household. Household adults are also 171 subject to annual background checks upon annual rental agreement renewal pursuant to 2.8-5 and as may be determined to be necessary to maintain the safety of the community 172

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- by the Comprehensive Housing Division staff.
- 174 2.5-2. Notification of Eligibility, Placement on the Wait List. When Comprehensive Housing
- 175 Division staff completes its review of an application and determines the applicant(s) eligible for 176 the income-based rental program, the staff shall:
- (a) Place the applicant(s) into one (1) of the following categories of renters based on the household size and needs as provided below:
 (1) Single Adult/Adult Couple A maximum of two (2) adults in the household.
 - (1) Single Adult/Adult Couple A maximum of two (2) adults in the household, no children.
 - (2) Small Household A maximum four (4) household members in the household.
 - (3) Large Household A household of five (5) or more household members.
- 183 (4) Elder A household with a maximum of two (2) adults and no children wherein
- 184at least one (1) adult is sixty-two (62) years old or older at the time of application.185(5) Minimum Handicap Accessibility Required For each of the category types
- 186provided in subsections (1)-(4) above, there shall be an additional category for each187requiring minimum handicap accessibility. This category shall be reserved for188households with at least one (1) household member requiring permanent and189minimal handicap accessibility (i.e. permanent use of a walker); this category190includes all handicap needs that do not amount to full wheelchair accessibility.
- (6) Maximum Handicap Accessibility Required For each of the category types
 provided in subsections (1)-(4) above, there shall be an additional category for each
 in which as least one (1) household member requires full wheelchair handicap
 accessibility.
 - (b) Determine whether there is a wait list for the type of rental unit required based on the applicant's category of renter.
- (1) If there is a wait list established, place the applicant on the wait list based on
 the date and time stamp of the application. At such time, Comprehensive Housing
 Division staff shall provide the applicant with notice of their placement on the wait
 list and the requirement to update their application should anything change prior to
 their designated use of rental unit becoming available. An applicant may request
 to be removed from the wait list at any time.
- 203 (2) If there is not a wait list established and there are available rental units available
 204 for the applicant's renter category, move to the tenant selection process provided in
 205 sections 2.6-3 and 2.6-4.
- 206 2.5-3. *Notification of Ineligibility*. If review of a complete submitted application and/or annual 207 renewal reveals that an applicant is ineligible to participate in the income-based rental program 208 based on the Landlord-Tenant law and/or rules, the Comprehensive Housing Division staff shall 209 notify the applicant of the cause of the ineligibility and how the applicant may become eligible in 210 the future. At such time, Comprehensive Housing Division staff shall also inform the applicant of 211 other housing opportunities offered by the Nation for which the applicant may be eligible, if
- 212 applicable.
- 213 2.5-4. *Required Application Updates*. Applicants on the wait list are required to update the application, at a minimum, annually, but also whenever information submitted on the application has changed. Applicants that fail to complete the application update within the allotted timeframe will be removed from the wait list and required to re-apply for future consideration absent proof of extenuating circumstances, for which Comprehensive Housing Division staff may provide a
- 218 grace period of a maximum of ten (10) calendar days. For any updated application that reveals an

applicant has become ineligible, Comprehensive Housing Division staff shall remove the applicant
 from the wait list and provide the applicant notice of the cause for ineligibility.

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222 2.6. Tenant Selection

223 2.6-1. *Household Size and Available Units*. When a rental premise becomes available, the 224 Comprehensive Housing Division staff shall preliminarily select a tenant based on the first 225 applicant on the wait list for the said unit type based on the corresponding renter and unit 226 categorization. In the event that a handicap accessible unit becomes available and there are no 227 applicants on the wait list for the said type of handicap accessible unit, an applicant from the same 228 renter category that does not require handicap accessibility may be selected for the said unit.

229 2.6-2. Notice of Tenant Selection. When an applicant is selected for a rental unit in accordance 230 with this section, the Comprehensive Housing Division staff shall provide the applicant with notice 231 of tenant selection. The notice, at a minimum, shall include the address of the rental premise, the 232 required security deposit and monthly rent, and a requirement that the applicant respond within 233 fifteen (15) calendar days to accept/reject the rental premise noting that the security deposit is due at the time of acceptance. Applicants that pay a security deposit and fail to complete the selection 234 235 process to actually take occupancy forfeit the security deposit to the Comprehensive Housing 236 Division as consideration for holding the unit. Comprehensive Housing Division shall return the 237 security deposit to the applicant only in circumstances where the applicant is prevented from 238 entering the rental agreement based on a loss of eligibility due to circumstances outside of the 239 applicant's control (i.e. death of a Tribal member that made the household eligible for the income-240 based rental program).

- (a) *Failure to Respond or Rejecting a Rental Premise*. If a rental premise is rejected for
 any reason or the applicant fails to respond to the notice, Comprehensive Housing Division
 staff shall remove the applicant from the wait list; in such circumstances the applicant may
 re-apply for the income-based rental program following a ninety (90) calendar day period
 of ineligibility.
- (b) Accepting a Rental Premise. In order for an applicant's acceptance of a rental premise
 to be complete, the applicant shall submit along with the acceptance a payment for the full
 security deposit. Prior to accepting a security deposit payment, Comprehensive Housing
 Department staff shall verify that the applicant remains eligible for the income-based rental
 program and the rental unit type based on the household's categorization.
 - (1) Standard Timeframe for Completing the Rental Agreement and Taking Occupancy. Except as provided in subsection (2) below, applicants that have accepted a rental premise from the income-based rental program have five (5) calendar days from the date of acceptance and payment of the security deposit to:
 - (A) Reconfirm that they remain eligible for the income-based rental program and remain in the same category of renters;
 - (B) Pay the first month's rent; and
 - (C) Execute the rental agreement and all required supplemental forms, provided that the agreement may not be executed until (A) and (B) are complete.
- 261 (2) Extended Timeframe for Completing the Rental Agreement for Applicants
 262 Providing Termination Notice to Another Landlord or Housing Program. The
 263 Comprehensive Housing Division offers an extended timeframe for applicants
 264 required to provide thirty (30) or more calendar or business days' notice of

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265 termination of a rental agreement to a current landlord or housing program. In such 266 circumstances, in order to qualify for the extended timeframe, the applicant shall provide proof of the notice requirement in his/her current rental agreement by 267 268 submitting the signed rental agreement to the Comprehensive Housing Division. Upon submittal of such proof, the applicant shall have thirty (30) calendar days 269 270 from the date of acceptance and payment of the security deposit to:

- 271 (A)Reconfirm that they remain eligible for the income-based rental 272 program and remain in the same category of renters;
- 273 (B) Pay the first month's rent; and 274
 - (C) Execute the rental agreement and all required supplemental forms. provided that the agreement may not be executed until (A) and (B) are complete.
- 277 (3) Taking Occupancy. The Comprehensive Housing Division shall provide the 278 tenant with keys to the rental premises upon execution of the rental agreement. As 279 such time, the Comprehensive Housing Division staff shall provide the tenant with 280 a check-in sheet and notice the tenant that he/she has seven (7) calendar days from 281 the date the tenant takes occupancy to complete the check-in sheet and submit it to 282 the Comprehensive Housing Division.

284 2.7. **Rental Unit Catalog, Setting Rents and Security Deposits**

- 2.7-1. Rental Unit Catalog. The Comprehensive Housing Division shall maintain a catalog of all 285 286 rental units included in the income-based rental program. Said catalog shall categorize each rental 287 unit based on designated use for the type of renter in accordance with the types of renters 288 established in section 2.5-2(a).
- 289 2.7-2. Setting Rents. The Comprehensive Housing Division shall determine the required monthly 290 rent for each household based on the household's income in accordance with the following:
- 291 (a) Rent may not exceed thirty percent (30%) of the household's adjusted gross income 292 based on the income calculation requirements provided in section 2.4-3. Adjusted gross 293 income means the annual household income remaining after the Comprehensive Housing 294 Division staff applies the following deductions:
- 295 (1) Dependent Deduction. A deduction of \$480.00 from annual income for each 296 household minor dependent or adult dependent where the adult dependent is either 297 a full-time student or a person with disabilities.
- 298 (2) Elder and/or Disabled Deduction. A total deduction of \$400.00 from annual 299 income for a household in which: 300
 - (A) A household member is sixty-two (62) years of age or older; and/or
 - (B) A household member is a person with a disability.
- 302 (3) Medical and Attendant Expenses. For a household qualifying under 2.7-2(a)(2), a deduction for medical expenses⁵ that are in excess of three percent (3%) of annual 303 304 income and all expenses for live-in periodic attendant care assistance or apparatus 305 to the extent necessary to enable a member of the family to be employed.
- 306 (4) Child Care Expenses. A deduction for reasonable child care expenses from annual income if the child care: 307 308
 - (A) Enables an adult household member to seek employment activity, be gainfully employed, or further his/her education; and

⁵ Medical expenses are those identified in Title VII, Section IV of NAHASDA.

- 310 (B) Expenses are not reimbursed. 311 (5) Child Support for a Household Minor. A deduction for the full amount of child 312 support paid by a household member for a household minor (i.e. when the parent 313 paying child support lives in the same household as the child for which the parent 314 is paying child support). 315 (6) Earned Income of Minors. A deduction in the amount of any earned income of 316 any minor household member. 317 (7) Travel Expenses for Employment or Education-Related Travel. A maximum 318 deduction of \$25.00 per week for travel expenses for employment or education 319 related travel. 320 (b) Monthly rent may not exceed the fair market rents of the rental premise as determined 321 by the data for Outagamie County. 322 (c) Households with any member that gualifies as a party listed below shall receive 323 preferential rent wherein the Comprehensive Housing Division may not charge rent that 324 exceeds twenty percent (20%) of the household's adjusted gross income based on the 325 income calculation requirements provided in section 2.4-3. 326 (1) Elder Tribal Member – A Tribal member that is sixty-two (62) years old or 327 older. 328 (2) Handicapped Tribal Member – A Tribal member that has a physical disability 329 as documented by a medical provider/or proof of disability payments. 330 (3) Legally Incompetent Adult Tribal Member – A Tribal member that has been 331 determined to be a legally incompetent adult based on the findings of a court of 332 competent jurisdiction. 333 (4) Mentally Disabled Minor Tribal Member – A Tribal member under the age of 334 eighteen (18) years old that has a mental disability as documented by a medical 335 provider. 336 2.7-3. Standard Security Deposit. Comprehensive Housing Division staff shall set the standard 337 security deposit required for each rental premise in the income-based rental program at \$350.00. 338 2.7-4. Increased Security Deposit for Pets. Tenants in the Comprehensive Housing Division's 339 general rental program may have pets in accordance with the Domestic Animal Ordinance, 340 provided that an increased security deposit is required. 341 (a) The standard security deposit does not apply to tenants with pets. Comprehensive 342 Housing Division staff shall set the increased security deposit required for households with 343 pets at a rate of \$350.00 plus an additional \$200.00 per pet. 344 (b) In the event that a tenant wishes to acquire a pet after the rental agreement has been 345 signed, the tenant shall notify the Comprehensive Housing Division and shall pay the 346 difference between the increased security deposit for pets and the standard security deposit. 347 Tenants that fail to report a pet in the household may be assessed charges for an increased 348 security deposit for pets if such pets are reported to the Comprehensive Housing Division 349 and/or discovered at the time of an inspection. 350 351 2.8. **Annual Inspection and Rental Agreement Renewal** 352 2.8-1. Scheduling Annual Inspections. Comprehensive Housing Division staff shall schedule 353 tenants' annual inspections for a date that is within ninety (90) calendar days of the expiration of 354 the tenants' rental agreement.
- 355 2.8-2. Inspection Checklist. Comprehensive Housing Division staff completing the annual

inspection shall use the checklist that is approved by the Comprehensive Housing Division
 director. Upon completion of the inspection, Comprehensive Housing Division staff shall request
 that the tenant(s) sign the completed checklist.

2.8-3. *Damages*. Tenants are required to pay costs to repair any damages to the rental premises discovered during the annual inspection that do not amount to normal wear an tear. Payment for such costs must be received by the Comprehensive Housing Division prior to signing a rental agreement renewal, provided that the Comprehensive Housing Division may offer the tenant a payment agreement in for the damages, in which case the repayment agreement shall be signed prior to the rental agreement renewal.

365 2.8-4. *Immediate Notice of Change in Household Composition and/or Income*. Tenants shall
 366 immediately notify the Comprehensive Housing Division of any change in the tenant's household
 367 composition and/or income, regardless of the date scheduled for the annual renewal.

- 368 (a) *Change in Household Composition*. If a change in the household composition changes 369 the tenant's category of renter based on section 2.5-2(a), the Comprehensive Housing 370 Division staff shall work to transfer the household to a rental unit of corresponding 371 category as soon as possible. If no such units are currently available, Comprehensive 372 Housing Division staff shall move the tenant to the top of the waiting list. In order to be 373 transferred or placed on a wait list, the tenant shall demonstrate that they remain eligible 374 for the income-based rental program and are current with rent and utility payments. 375 Tenants are only eligible for rental unit transfers within their current category of renter if, 376 in the Comprehensive Housing Division's discretion, the transfer is needed to better 377 accommodate the household composition.
- 378 (b) Change in Household Income. A change in household income may cause a change in 379 the amount of monthly rent required, accordingly, any change in household income that is 380 not reported within thirty (30) calendar days of the change shall result in a retroactive 381 adjustment of the rent if the change results in an increase of rent payments. Retroactive 382 rent shall be applied for each month there was a change in income that was not reported. 383 excluding the initial thirty (30) calendar days provided to the tenant to report the change. 384 The tenant is responsible for payment of all current and retroactive adjustments of rent and 385 may be eligible for a repayment agreement, provided that in all circumstances and retroactive rental arrears shall be paid in full within one (1) year. 386
- (c) *Rental Agreement Amendment*. Should a change in household size and/or income cause
 a change in the terms of the tenant's rental agreement, an amendment to the rental
 agreement is required to be executed.

2.8-5. *Rental Agreement Renewal*. Each rental agreement is limited to a twelve (12) month term.
Tenants wishing to remain in the property are required to complete the annual rental agreement
renewal by verifying that the household continues to meet all eligibility requirements contained in
the Landlord-Tenant law and rules excluding the maximum income requirement provided in article
2.4-2. Once continued eligibility is verified, tenants that remain eligible are required to sign a
rental agreement renewal.

(a) The Comprehensive Housing Division may, in its discretion, decline renewal of a rental agreement if it determines that the renewal is not in the best interest of the Nation. (b)
In the event a tenant fails to enter a rental agreement renewal and has not vacated the rental premises within thirty (30) calendar days of the expiration of the rental agreement, the Comprehensive Housing Division shall initiate the eviction process pursuant to the Eviction and Termination law.

402 2.8-6. *Ineligibility Due to Renewal or an Update of Household Information*. Comprehensive 403 Housing Division staff shall provide tenants that become ineligible to participate in the income-404 based rental program based on a renewal or update of household information with notice 405 specifying the cause of the ineligibility and, if possible, how the household may reinstate 406 eligibility.

- 407 (a) *Ineligibility Due to Renewal*. In circumstances where the tenant learns of ineligibility 408 as part of the annual renewal, Comprehensive Housing Division staff shall include in the 409 notice of ineligibility that renewal of the rental agreement is not available at such time and 410 that the tenant is entitled to a minimum of a thirty (30) day notice to cure, by reinstating 411 eligibility, or vacate.
- (b) Ineligibility Due to an Update of Household Information. In circumstances where the 412 413 tenant learns of ineligibility as part of an update of household information, Comprehensive 414 Housing Division staff shall include in the notice of ineligibility the warning of potential 415 termination in accordance with the rental agreement. In the event the tenant is unable to 416 or fails to reinstate their eligibility in accordance with the timeline provided in the notice. 417 the Comprehensive Housing Division shall permit the tenant to remain in the unit for the 418 longer of the duration of the rental agreement or ninety (90) calendar days from the date of 419 the notice of ineligibility.
- 420 (1) If the tenants' circumstances result in the tenant completing the term of the
 421 rental agreement, eligibility shall be reconsidered at the time of the annual renewal.
 422 If the tenant remains ineligible at the time of renewal, article 2.8-6(a) applies.
- 423 (2) If the tenants' circumstances result in the tenant receiving a thirty (30) calendar
 424 day notice to cure or ninety (90) calendar day notice to vacate, the tenant shall enter
 425 a limited term rental agreement to cover any time which exceeds the current rental
 426 agreement.
- 427 (c) *Limited Term Rental Agreements*. Limited term rental agreements are available in
 428 accordance with article 2.8-6(a) and (b) of these rules and section 611.9-4 of the Landlord429 Tenant law. At a minimum, limited term rental agreement shall include:
 - (1) The date of the original notice of ineligibility;
- 431 (2) An explanation that the tenant has thirty (30) calendar days to reinstate eligibility;
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 (3) As applicable, an explanation that if eligibility is not timely reinstated, that the
 limited term rental agreement takes the place of the thirty (30) calendar day notice
 to cure or vacate required by the Eviction and Termination law; and
- 436 (4) An explanation that if eligibility is not timely reinstated, the rental unit will be
 437 reclaimed including the date the locks will be changed.
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439 2.9. Rental Agreement Cancellation

- 440 2.9-1. *Two Week Notice Required*. Tenant wishing to cancel a rental agreement in the general
 441 rental program are requested to provide the Comprehensive Housing Division with a minimum of
 442 two (2) weeks of notice.
- 2.9-2. *Prorated Rent*. In the event of cancellation of a rental agreement or abandonment of the
 rental premises, the Comprehensive Housing Division staff shall prorate the required last month's
 rent payment based upon the greater of the following:
- (a) The number of calendar days the unit was occupied in the last month; or
- 447 (b) Two (2) weeks from the date of cancellation or the date the Comprehensive Housing

Public Packet

Draft – For Emergency Consideration 2020 01 15

448	Division learns of abandonment.
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450	End.
451	
452	Original effective date: 04-13-17
453	Amended:

453 454
Summary Report for: Title 6. Property and Land – Chapter 611, Landlord-Tenant Law, Rule #2 Income Based Rental Program Eligibility, Selection and Other Requirements

Original Effective Date: 4/13/2017

Amendment Effective Date: 1/27/2021

Name of Rule: Income Based Rental Program Eligibility, Selection and Other Requirements

Name of law being interpreted: Title 6. Property and Land – Chapter 611 Landlord-Tenant

Rule Number: 2

Other Laws or Rules that may be affected: N/A

Brief Summary of the proposed rule:

- section 2.4-3 of the rule includes in its eligibility criteria a requirement that applicants meet a minimum income of \$7,800 per year; and
- section 2.4-4 of the rule includes in its eligibility criteria a requirement that applicants not have an outstanding balance greater than \$200 owed to any utility provider and have no prior debt owed to the Comprehensive Housing Division; and
- these eligibility requirements are required to be met when tenants are initially selected for units, usually off of the waitlist, and also when existing tenants renew their rental agreements on an annual basis; and
- these eligibility protections were originally put in place to protect both the landlord and the tenant in order to avoid setting a tenant up for failure in a housing situation they could not afford; and
- these eligibility requirements are temporarily suspended in order to address the community hardships brought on by the global COVID-19 pandemic, provided that health and safety safeguards will continue to require applicants to be eligible to have utilities turned on in their rental units; and
- it should be noted in order to comply with HUD requirements tenants will continue to be required to:
 - o submit annual rental agreement renewal information;
 - submit information related to changes in household income and/or household members within thirty (30) days of the change; and
 - \circ be responsible for rent payments based on the income that tenants do report.

Statement of Effect: See Attached.

Financial Analyses: See Attached.

Financial Analysis for the Emergency Amendment to Rule#2 Income Based Rental Program Eligibility, Selection and Other Requirements.

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0
Personnel	N/A	\$0
Office	N/A	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	1 WEEK	\$0
Other, please explain	PROGRAM INCOME WILL BE IMPACTED NEGATIVELY	
Total	Annual Net Revenue	

Financial Analysis for the Emergency Amendment to Rule#2 Income Based Rental Program Eligibility, Selection and Other Requirements.

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0
Personnel	N/A	\$0
Office	N/A	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	1 WEEK	\$0
Other, please explain	PROGRAM INCOME WILL BE IMPACTED NEGATIVELY	
Total	Annual Net Revenue	



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



Statement of Effect

Emergency Amendments to Landlord-Tenant Law Rule No.2 – Income Based Rental Program Eligibility, Selection and Other Requirements

Summary

This emergency amendments to Landlord-Tenant Law Rule No. 2 temporarily suspend the minimum income eligibility requirement and the outstanding debt to a utility provider or the Comprehensive Housing Division eligibility requirement in an effort to address the community hardships brought on by the COVID-19 pandemic.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office Date: January 15, 2021

Analysis by the Legislative Reference Office

The Landlord-Tenant law ("the Law") confers administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission to establish rules which create programs for elder tribal members, low-income Oneida tribal members and families, and tribal members in general and provide specific requirements for those programs. [6 O.C. 611.4-1]. The Law provides that where such rental requirements relate solely to premises administered pursuant to federal funding, the Comprehensive Housing Division has sole authority. [6 O.C. 611.3-1(g)]. Accordingly, the Comprehensive Housing Division has sole rulemaking authority for Landlord-Tenant Law Rule No. 2 - Income Based Rental Program Eligibility, Selection and Other Requirements ("the Rule").

The Rule provides additional eligibility requirements, selection procedures and general requirements that govern the Comprehensive Housing Division's income-based rental programs. The mission of the income-based housing program is to develop, maintain, and operate affordable housing in safe, sanitary and healthy environments within the reservation.

The Comprehensive Housing Division is seeking emergency amendments to the Rule to temporarily suspend eligibility requirements related to income and debt in response to the COVID-19 pandemic. The emergency amendments to the Rule would temporarily suspend the requirement that an individual meet a minimum household income of seven thousand and eight hundred dollars (\$7,800) per year in recognition of the community hardships brought on by the COVID-19 pandemic. *[Rule 2.4-3]* Additionally, the requirement that an individual not have a past due balance greater than two hundred dollars (\$200) owed to any utility provider or any prior debt owed to the Comprehensive Housing Division is also temporarily suspended, provided that the health and safety safeguards will continue to require applicants to be eligible to have utilities turned on in their rental units. *[Rule 2.4-4]*.

The Administrative Rulemaking law provides that an authorized agency may present the Legislative Operating Committee with a proposed emergency rule if the following conditions are met:

- 1. An emergency situation exists that requires the enactment or amendments of a rule for the immediate preservation of the public health, safety, or general welfare of the Reservation population; and
- The enactment or amendment is required sooner than would be possible under the normal rulemaking procedures. [1 O.C. 106.10-1].

As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. *[3 O.C. 302.8-1]*. The Oneida Business Committee has extended this Public Health State of Emergency until February 11, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, and BC-01-07-21-A. *[3 O.C. 302.8-5]*.

The emergency amendments to the Rule are necessary for the immediate preservation of the public health, safety, and general welfare of the Reservation population during the COVID-19 pandemic. These amendments are required sooner than would be possible under the normal rulemaking procedures in an effort to meet the needs of the community during the COVID-19 pandemic. In e-mail correspondence to the Legislative Reference Office, the Comprehensive Housing Division provided the following justification for the emergency amendment to the Rule: The justification for the emergency basis is to ease community stress in an already stressful time, prevent homelessness which in turn assists in slowing the spread of the virus, and provide for efficient administration of the rental agreement renewal process which eliminated the need for limited term rental agreements based on not meeting minimum income eligibility requirements.

The Comprehensive Housing Division has provided the Legislative Operating Committee with the proposed emergency amendments to the Rule, justification for the emergency promulgation of the Rule, and the summary report, and has therefore met the requirements of the Administrative Rulemaking law. [1 O.C. 106.10-2].

It will now be up to the Legislative Operating Committee to review the proposed emergency amendments to the Rule and either reject the proposed emergency amendments to the Rule on the basis that there is not a valid emergency, or accept that there is a valid basis for an emergency and forward the emergency amendments to the Rule to the Oneida Business Committee. [1 O.C. 106.10-3]. If the Legislative Operating Committee determines that an emergency basis exists, then the Oneida Business Committee shall be responsible for reviewing the proposed emergency amendments to the Rule and either rejecting the proposed emergency amendments to the Rule on the basis that there is not a valid emergency, or adopting the emergency amendments to the Rule on the basis that there is not a valid emergency, or adopting the emergency amendments to the Rule. [1 O.C. 106.10-4].



Emergency adoption or amendment to a rule typically becomes effective immediately upon its adoption by the Oneida Business Committee and would remain in effect for a period of up to six months. [1 O.C. 106.10-5]. The summary report provided by the Comprehensive Housing Division requests that the emergency amendments to the Rule do not go into effect until January 27, 2021.

Conclusion

Adoption of the emergency amendments to Landlord-Tenant Rule No.2 – Income Based Rental Program Eligibility, Selection and Other Requirement would not conflict with any of the Nation's laws.



Accept the December 16, 2020, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: <u>1</u> / <u>27</u> / <u>21</u>

2. General Information:

	Session: 🖂 Open 🗌 Executive - See instructions for the applicable laws, then choose one:		
	Agenda Header: Standing Committees		
	Accept as Information only		
	☑ Action - please describe:		
	Accept the December 16, 2020 Legislative Operating Committee meeting minutes.		
3.	Supporting Materials Report Resolution Contract Other:		
	1.12/16/20 LOC Meeting Minutes 3.		
	2. 4.		
	Business Committee signature required		
4.	Budget Information		
5.	Submission		
	Authorized Sponsor / Liaison: David P. Jordan, Councilmember		
	Primary Requestor/Submitter: Clorissa N. Santiago, LRO Senior Staff Attorney Your Name, Title / Dept. or Tribal Member		
	Additional Requestor:		
	Additional Requestor:		





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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center

December 16, 2020

9:00 a.m.

Present: David P. Jordan, Daniel Guzman King, Kirby Metoxen, Marie Summers **Excused:** Jennifer Webster **Others Present:** Clorissa N. Santiago, Aliskwet Ellis, Rhiannon Metoxen

I. Call to Order and Approval of the Agenda

David Jordan called the December 16, 2020, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Summers to adopt the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. December 2, 2020 LOC Meeting Minutes

Motion by Daniel Guzman King to approve the December 2 LOC meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Marie Summers. Motion carried unanimously.

III. Current Business

1. Community Support Fund Law Amendments

Motion by Daniel Guzman King to approve the Community Support Fund law amendments public comment period packet and forward the Community Support Fund law amendments to a public comment period to be held open until January 13, 2021; seconded by Kirby Metoxen. Motion carried unanimously.

2. Emergency Management and Homeland Security Law Amendments

Motion by Kirby Metoxen to approve the Emergency Management and Homeland Security law amendments draft, legislative analysis, and public comment period packet and forward the Emergency Management and Homeland Security law amendments to a public comment period to be held open until January 13, 2021; seconded by Marie Summers. Motion carried unanimously.

- IV. New Submissions
- V. Additions
- VI. Administrative Items
- VII. Executive Session
- VIII. Adjourn

Motion by Daniel Guzman King to adjourn at 9:14 a.m.; seconded by Marie Summers, Motion carried unanimously.

A good mind. A good heart. A strong fire. nutes of December 16, 2020



Legislative Operating Committee Meeting Minutes of December 16, 2020 Page 1 of 1

Oneida Business Committee Agenda Request

Approve the revised Quality of Life Committee charter

1. Meeting Date Requested: <u>01</u> / <u>27</u> / <u>21</u>

2. General Information:

Session: 🖂 Open 🔄 Executive - See instructions for the applicable laws, then choose one:		
Agenda Header: Standing Committees		
- Accept as Information only		
Accept as Information only Action - please describe:		
Action - please describe:		
Approve revised Quality of Life Charter		
3. Supporting Materials		
Report Resolution Contract		
⊠ Other:		
1. Quality of Life Charter 3.		
2. Quality of Life Minutes 4.		
Business Committee signature required		
4. Budget Information		
Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted		
5. Submission		
Authorized Sponsor / Liaison: Marie Summers, Councilmember		
Primary Requestor/Submitter: Your Name, Title / Dept. or Tribal Member		
Additional Requestor: Name, Title / Dept.		
Additional Requestor:		

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The Quality of Life Committee was established by the adoption of BC Resolution 06-08-11-E. The charter was reviewed and adopted by BC Resolution 06-10-15-A.

The new Quality of Life Committee has reviewed and revised the charter further and is requesting Business Committee approval.

Attached is the revised charter.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Quality of Life Committee Charter

Business need: The Quality of Life Committee is standing committee of the Oneida Business Committee that will have oversight of health, wellness and social issues of the following areas of the Nation: Language, Culture, Health, Environmental Issues, Housing and Food Security and Sovereignty.

Objectives:

Business Objectives: The Quality of Life Committee will provide oversight developed in the Charter and provide recommendations of improvement.

Task Objectives: The Quality of Life Committee will meet on a monthly basis and review the items stated in the deliverables. Responsibilities outlined in the charter will provide a baseline in guiding team decision.

Deliverables: The following areas will deliver results related to quality of life

- A) Quality of Life Survey Annually
- B) Readiness Survey from TAP Monthly
- C) Oneida Native American Drug and Gang Initiative Quarterly
- D) COVID-19 Report from Health Dept Monthly
- E) Housing Needs of the Nation Monthly
- F) HR Unemployment Rate Monthly
- G) Environmental Issues Monthly
- H) Wellness Council Quarterly
- I) Live, Sustain, Grow Annually
- J) Food Security Update Bi Monthly
- K) Recreation Integration Quarterly

Team Structure:

- A) The Quality of Life committee shall be comprised of four (4) Oneida Business Committee members appointed by the BC. The remaining five (5) business committee members shall be ad hoc.
- B) Three (3) members shall make a quorum. A quorum is required at all meetings in order to be considered a formal meeting of the Quality of Life Committee.
- C) If necessary, an ad hoc member can fill in for a regular member in order to meet the quorum.
- D) All decisions made by majority vote.
- E) Direct reports along with appropriate staff shall be directed to attend the Quality of Life Committee meetings with relevant agenda topics.
- F) Chair of the committee will review agenda items prior to the meeting. Chair will also break any tie in voting. The Vice Chair will stand in for the Chair in the event the chair is unavailable.

Responsibilities and Rules

- A) The Quality of Life Committee is responsible for making policy recommendations to the Business Committee concerning areas outlined in the deliverables. The Business Committee will determine whether to accept the Quality of Life Committee's recommendations.
- B) Committee meetings will be held monthly with a prescribed agenda that will align with one or all four of the current OBC strategic directions.

- *Advancing On^yote?aka principles
- *Committing to building a responsible nation
- *Creating a positive organizational culture
- *Implementing Good Governance process
- C) Coordinate all policy matters relating to the Quality of Life Committee in cooperation with any Department.
- D) Monitor activity and strategies with regards to areas of policy oversight assigned to this committee and align with strategic direction of the Business Committee
- E) Make recommendations to the Business Committee.
- F) Meeting may be held virtually with a quorum.

Process:

- A) Meetings shall be held on the 3rd Thursday of each month
- B) The BCSO will prepare the meeting packets, minutes, recordings, and track all issues.
- C) A list of business unit representatives and boards/committee/commissions will be provided by direct reports.
- D) The Quality of Life Committee shall provide the OBC with the following per month: Meeting minutes, specific action items that may require OBC approval, quarterly reports.

Charter QOL Approved: January 14, 2021

OBC Approved: January 27, 2021



Quality of Life Committee

Regular Meeting 9:00 a.m. Thursday, January 14, 2021 Teleconference

Minutes

Present: QOL Vice-Chair Daniel Guzman-King, QOL Members: Tehassi Hill, Kirby Metoxen; **Others Present:** Eric Boulanger, Craig Clausen, Debra Danforth, Leslie Doxtater, Aliskwet Ellis, Renita Hernandez, Kristal Hill, Tina Jorgensen, Mari Kriescher, RC Metoxen, Michelle Meyers, Joann Ninham, Melissa Nuthals, Patrick Pelky, James Petitjean, Rae Skenandore, Deborah Thundercloud, Ravinder Vir, Danelle Wilson

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by QOL Vice-Chair Daniel Guzman-King at 9:05 a.m.

II. APPROVAL OF THE AGENDA

Motion by Tehassi Hill to approve the agenda, seconded by Kirby Metoxen. Motion carried unanimously: Ayes: Tehassi Hill, Kirby Metoxen

III. APPROVAL OF MEETING MINUTES

A. December 10, 2020 Quality of Life Meeting Minutes - Aliskwet Ellis

Motion by Tehassi Hill to approve the December 10, 2020 Quality of Life meeting minutes, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Tehassi Hill, Kirby Metoxen

IV. UNFINISHED BUSINESS

A. Review tribal member request to build a drug detox center and determine next steps – Shannon Hill

Motion by Tehassi Hill for review and recommendation by Comprehensive Health content experts to bring back in April, seconded by Kirby Metoxen. Motion carried unanimously: Ayes: Tehassi Hill, Kirby Metoxen

V. NEW BUSINESS

A. Approve updated Quality of Life Charter – Marie Summers

Motion by Tehassi Hill to approve the updated Quality of Life Charter and to send to the Business Committee for final approval, seconded by Kirby Metoxen. Motion carried unanimously: Ayes: Tehassi Hill, Kirby Metoxen



Quality of Life Committee

Regular Meeting 9:00 a.m. Thursday, January 14, 2021 Teleconference

Minutes

Present: QOL Vice-Chair Daniel Guzman-King, QOL Members: Tehassi Hill, Kirby Metoxen; **Others Present:** Eric Boulanger, Craig Clausen, Debra Danforth, Leslie Doxtater, Aliskwet Ellis, Renita Hernandez, Kristal Hill, Tina Jorgensen, Mari Kriescher, RC Metoxen, Michelle Meyers, Joann Ninham, Melissa Nuthals, Patrick Pelky, James Petitjean, Rae Skenandore, Deborah Thundercloud, Ravinder Vir, Danelle Wilson

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by QOL Vice-Chair Daniel Guzman-King at 9:05 a.m.

II. APPROVAL OF THE AGENDA

Motion by Tehassi Hill to approve the agenda, seconded by Kirby Metoxen. Motion carried unanimously: Ayes: Tehassi Hill, Kirby Metoxen

III. APPROVAL OF MEETING MINUTES

A. December 10, 2020 Quality of Life Meeting Minutes - Aliskwet Ellis

Motion by Tehassi Hill to approve the December 10, 2020 Quality of Life meeting minutes, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Tehassi Hill, Kirby Metoxen

IV. UNFINISHED BUSINESS

A. Review tribal member request to build a drug detox center and determine next steps – Shannon Hill

Motion by Tehassi Hill for review and recommendation by Comprehensive Health content experts to bring back in April, seconded by Kirby Metoxen. Motion carried unanimously: Ayes: Tehassi Hill, Kirby Metoxen

V. NEW BUSINESS

A. Approve updated Quality of Life Charter – Marie Summers

Motion by Tehassi Hill to approve the updated Quality of Life Charter and to send to the Business Committee for final approval, seconded by Kirby Metoxen. Motion carried unanimously: Ayes: Tehassi Hill, Kirby Metoxen

Accept the December 10, 2020, regular Quality of Life Committee meeting minutes

1. Meeting Date Requested: <u>01</u> / <u>27</u> / <u>21</u>

2. General Information:

	Session: 🔀 Open 🔲 Executive - See instructions for the applicable laws, then choose one:		
	Agenda Header: Standing Committees		
	Accept as Information only		
	X Action - please describe:		
	Motion to accept the December 10, 2020 Quality of Life meeting minutes.		
3.	Supporting Materials		
	Report Resolution Contract		
	∑ Other:		
	1. 12/10/20 QOL Meeting Minutes 3.		
	2. 4.		
	Business Committee signature required		
4.	Budget Information		
	Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted Unbudgeted		
5.	Submission		
	Authorized Sponsor / Liaison: Marie Summers, Councilwoman		
	Primary Requestor/Submitter: Aliskwet Ellis, Recording Clerk/BC Support Office		
	Your Name, Title / Dept. or Tribal Member		
	Additional Requestor:		
	Name, Title / Dept.		
	Additional Requestor:		
	Name, Title / Dept.		



Quality of Life Committee

Regular Meeting 9:00 a.m. Thursday, December 10, 2020 Teleconference

Minutes

Present: QOL Chair Marie Summers, QOL Vice-Chair Daniel Guzman-King, QOL Members: Tehassi Hill, Lisa Liggins, Kirby Metoxen, Brandon Stevens;

Others Present: Eric Boulanger, Jacque Boyle, Melanie Burkhart, Craig Clausen, Debra Danforth, Leslie Doxtater, Aliskwet Ellis, Jo Ann Eland, Renita Hernandez, Shannon Hill, Tina Jorgensen, Mari Kriescher, Hanna Leisgang, RC Metoxen, Michelle Meyers, Joann Ninham, Melissa Nuthals, Patrick Pelky, James Petitjean, Stefanie Reinke, Deborah Thundercloud, Ravinder Vir,

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by QOL Chair Marie Summers at 9:03 a.m.

II. APPROVAL OF THE AGENDA

Motion by Tehassi Hill to approve the agenda addressing item V.A. after the reports, seconded by Daniel Guzman-King. Motion carried unanimously:

Ayes: Daniel Guzman-King, Tehassi Hill, Brandon Stevens

III. APPROVAL OF MEETING MINUTES

A. November 12, 2020 Quality of Life Meeting Minutes – Aliskwet Ellis

Motion by Tehassi Hill to approve the November 12, 2020 Quality of Life meeting minutes, seconded by Daniel Guzman-King. Motion carried unanimously: Ayes:

Daniel Guzman-King, Tehassi Hill, Brandon Stevens

IV. UNFINISHED BUSINESS

A. Review tribal member request to build a drug detox center and determine next steps – Shannon Hill

Motion by Daniel Guzman-King to accept information as FYI, seconded by Brandon Stevens. Motion carried unanimously:

Daniel Guzman-King, Tehassi Hill, Brandon Stevens Ayes:

V. NEW BUSINESS

A. Stop the Oneida Recreation Department closure – Shannon Hill

Item V.A. addressed in item VI. A.

B. OBH Detox Services Presentation - Mari Kriescher

Brandon Stevens leaves at 9:49 a.m. Tehassi Hill leaves at 9:55 a.m. Lisa Liggins enters at 10:03 a.m. Brandon Stevens returns at 10:24 a.m. Tehassi Hill returns at 10:32 a.m.

Motion by Tehassi Hill to accept information as FYI, seconded by Daniel Guzman-King. Motion carried unanimously:

Ayes: Daniel Guzman-King, Tehassi Hill, Lisa Liggins, Brandon Stevens

Motion by Daniel Guzman-King to schedule a work session in January to further discuss the need of transitional living, residential living and a sober community. Motion carried unanimously: Ayes: Daniel Guzman-King, Tehassi Hill, Lisa Liggins, Brandon Stevens

VI. REPORTS

A. Recreation Integration – Tina Jorgensen

Tehassi Hill leaves at 11:00 a.m. Marie Summers left the meeting at 11:10 a.m. Vice-Chair Daniel Guzman-King takes over chairing the meeting.

Motion by Brandon Stevens to accept the Recreation Integration report, seconded by Lisa Liggins. Motion carried unanimously:

Ayes: Lisa Liggins, Brandon Stevens

B. Tribal Action Plan – Renita Hernandez

Motion by Brandon Stevens to accept the Tribal Action Plan report, seconded by Lisa Liggins. Motion carried unanimously:

Ayes: Lisa Liggins, Brandon Stevens

C. Zero Suicide Report – Mari Kriescher

Motion by Brandon Stevens to defer the Zero Suicide Report to the January Quality of Life meeting, seconded by Lisa Liggins. Motion carried unanimously:

Ayes: Lisa Liggins, Brandon Stevens

VII. ADDITIONS - NONE

VIII. ADJOURN

Motion by Brandon Stevens to adjourn at 11:52 a.m., seconded by Lisa Liggins. Motion carried unanimously:

Ayes: Lisa Liggins, Brandon Stevens

Review update and determine next steps - CIP #14-002 Cemetery Improvements

1. Meeting Date Requested: <u>01</u> / <u>27</u> / <u>21</u>

2. General Information:

Session: 🖂 Open 🗌 Executive - See instructions for the applicable laws, then choose one:		
Agenda Header: Unfinished Business		
Accept as Information only		
1. Motion to release the project from the Tier V Budget Contingency hold status and allow expenditures against the project's unobligated budget.		
2. Motion to accept the status report.		
3. Motion to approve the recommendations noted in section D of the report.		
3. Supporting Materials		
1. Cemetery Improvements - Status Report 3.		
2 4		
Business Committee signature required		
4. Budget Information		
☑ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted		
5. Submission		
Authorized Sponsor / Liaison: Debbie Thundercloud - General Manager		
Primary Requestor/Submitter: Paul J. Witek, Engineering Director/Senior Architect / Engineering Dept. Your Name, Title / Dept. or Tribal Member		
Additional Requestor:		
Name, Title / Dept.		
Additional Requestor: Name, Title / Dept.		

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Purpose:

Follow-up to item VII. A from January 13, 2021 OBC Meeting for a update on project #14-002 Cemetery Improvements.

Background:

On January 13, 2021 the Business Committee directed the General Manager to provide a status update for the project to be submitted for the January 27, 2021, Business Committee meeting.

The attached report provides the information requested in the motions.

Action Requesting:

1. Motion to release the project from the Tier V Budget Contingency hold status and allow expenditures against the project's unobligated budget.

2. Motion to accept the status report.

3. Motion to approve the recommendations noted in section D of the report.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a SINGLE *.pdf file to: BC_Agenda_Requests@oneidanation.org



To:	Oneida Business Committee
From:	Paul J. Witek, AIA, LEED-AP – Engineering Director/Senior Architect
CC:	Debbie Thundercloud – General Manager Pat Pelky – Environmental, Health, Safety, Land & Agriculture Division (EHSL&A) Director Jacque Boyle – Division of Public Works Director Troy Parr – Planning/GIS Director, Zoning Administrator
Date:	1/19/2021
Re:	CIP #14-002 Cemetery Improvements – Status Report

Background

On January 13, 2021 the Business Committee discussed a request for information on the status of the CIP #14-002 Cemetery Improvements and made the following motions:

Motion by Lisa Liggins to direct the General Manager in coordination with Land Management to bring back a status report at the January 27, 2021 regular Business Committee meeting, seconded by Kirby Metoxen.

Motion by Brandon Stevens to direct the General Manager to bring back a status report on the maintenance contract at the January 27, 2021 regular Business Committee meeting, seconded by Marie Summers.

Motion by Lisa Liggins to direct the General Manager to bring back a status report on the monitoring wells, amount of acreage, and suitability at the January 27, 2021 regular Business Committee meeting, seconded by Kirby Metoxen.

The following information is provided to address the motions.

A. Project Status

The project is currently on hold. It was suspended on April 9, 2020 due to the Tier V Budget Contingency (OBC Resolution 04-08-20-C).

Prior to the project being placed on hold, the Project Team was working on items noted in the Cemetery Improvements #14-002 – Phase III – Final Report dated September 19, 2017. On September 27, 2017 the OBC approved the project's final report for Phase III and supported the report's recommended next steps. The next steps and status are noted below:

5. Next Steps

a. Moving forward DOLM will be the client for any future projects involving the cemetery.

<u>Status</u>: The Environmental, Health, Safety, Land & Agriculture Division (EHSL&A) has been managing the cemetery operations since late 2017.

b. Continue data collection of the all existing monitoring wells for five years (until Aug. 2021). By Conservation Department.

<u>Status</u>: Though the project is on hold the Conservation Department has continued to take ground water elevation reading at the monitoring wells at the cemetery monthly, with a few exceptions.

c. Purchase trees through the Conservation Department and plant them as Conservation has time available.

<u>Status</u>: To date no trees have been purchased. With the reduced staffing at the Conservation Department no timelines have been established for this item.

d. Request CIP funding in FY2019 for completion of Phase IV. By Engineering Department.

<u>Status</u>: Funding for the project was requested and approved by GTC in the FY2019 CIP Budget in the amount of \$208,000. The project currently has an unobligated CIP budget balance of approximately \$220,000.

The project is in Phase IV. Phase VI scope consists of installing drain tile and adjusting grades in the remaining portions of Sections D, E, F & G. Phase IV work



2 of 5

was bid in September 2019 but only one bid was received, and the value was higher than expected. The intention was to re-bid the project in spring of 2020 with the hopes of getting more bids, however, the Tier V Budget restrictions put the project on hold.

e. Monitor capacity of available burial plots. If filling faster than estimated, DOLM will initiate project to address capacity.

<u>Status</u>: The Phase III Final Report estimated the cemetery capacity to last for 30 to 37 years. EHSL&A will be evaluating available burial plots this spring.

- f. In August of 2021, fully review possible cemetery expansion to east.
 - *i.* DOLM will coordinate convening the Cemetery Technical Team to define specific tasks.
 - *ii.* If the review determines an expansion is appropriate, DOLM will complete a Capital Improvement Process (CIP) Project to develop expansion.
 - *iii.* If the review determines an expansion is not appropriate, DOLM will request continued evaluation of possible new second cemetery properties through the LUTU process.

Status: Per the item, no activities are required until August.

B. Cemetery Expansion Plan

As noted in item 5.f above, evaluation of potential expansion will begin in August to allow the full five years of data to be collected from the monitoring wells.

To address specific items in the motion:

<u>Monitoring Wells</u> - ground water elevation reading will be taken at the monitoring wells until August 2021. An evaluation of the data has not been completed, as the plan was to review the full five years of data to determine viability of the proposed expansion area.



<u>Amount of Acreage</u> – The parcel to the east of the existing cemetery (HB-251) contains 38.06 acres, of which approximately 25 acres would be evaluated for use. As a point of reference, the existing cemetery is approximately 12 acres.

<u>Suitability</u> - An evaluation of the data has not been completed, as the plan was to review the full five years of data to determine viability of the proposed expansion area.

C. Maintenance Agreement

Questions received and replies:

- 1. What is the status of the Cemetery Maintenance Contract?
 - a. Land Management will be following the Nations procurement process by sending out a renewed Request for Services (RFS) to prospective vendors. The RFS will be created using Land Management's maintenance experiences of the past few years. Land Management will be looking for specific services to maintain the Cemetery at a high-quality level while still trying to keep the maintenance costs down. These newer standards will be incorporated in the new RFS, to include in a wider level of services needed for care with customers, lawn care, overall maintenance, aesthetics, timelines, and availability to perform the work with flexibility.
 - b. The RFS is scheduled to be released in February with contract award in March.
- 2. Is GPS being used for openings and closings of grave sites?
 - a. Land Management's process is our contractor will locate and mark the corners of each grave site with pin markers, then our team will verify the pins before the gravediggers from the Funeral Homes excavate the graves. We use both a radio-detection locator wand and a GPS unit.



4 of 5

D. Recommendations

If the Business Committee wants to proceed with the project, the following are the recommended next steps:

- 1. Release the project from the Tier V Budget Contingency hold status and allow expenditures against the project's unobligated budget.
- 2. Continue collecting groundwater elevation readings from the monitoring wells through August 2021.
- 3. Contract with the firm (GEI) that completed the Hydrogeological Study to evaluate the effectiveness of the improvements that have been put in place. The evaluation will determine if Phase IV would move forward.
- 4. In September 2021, the Project Team and GEI would review all monitoring well data, cemetery utilization, and prepare a final report to identify any next steps and viability of cemetery expansion.
- 5. EHSL&A to complete an evaluation of available burial plots and cemetery utilization to determine if expansion timelines need to be adjusted.





G:\ENG\Projects\14-002 Cemetery\Design Sketches\Cemetery Site Plan.dwg, 1/19/2021 10:31:49 AM

134 of 145

Public Packet

From:	Deborah J. Thundercloud
To:	BC Agenda Requests; Paul J. Witek; General Manager SignOff
Cc:	Jacque L. Boyle; Lori S. Hill
Subject:	RE: BC Agenda Request - #14-002 Cemetery Improvements - Status Report
Date:	Thursday, January 21, 2021 2:46:04 PM

This has my approval for submission.

Debbie Thundercloud General Manager Oneida Nation, WI

920-869-4315 – Norbert Hill Center 920-496-7414 – Skenandoah Complex <u>dthunde2@oneidanation.org</u>

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

From: BC_Agenda_Requests <BC_Agenda_Requests@oneidanation.org>
Sent: Thursday, January 21, 2021 1:17 PM
To: Paul J. Witek <pwitek@oneidanation.org>; General_Manager_SignOff
<General_Manager_SignOff@oneidanation.org>
Cc: Deborah J. Thundercloud <dthunde2@oneidanation.org>; Jacque L. Boyle
<jboyle@oneidanation.org>
Subject: RE: BC Agenda Request - #14-002 Cemetery Improvements - Status Report

Hi Paul,

I wish your day is going along well.

All requests from the GM area need to have GM approval to go on an OBC agenda.

Can you provide me with your GM approval?

Yaw^ko,

Chad Wilson,

Senior Information Management Specialist Business Committee Support Office 920.869.4478

P.O. Box 365 Oneida, WI 54155-0365 oneida-nsn.gov

"The best way to predict the future is to create it." – Abraham Lincoln "In every deliberation, we must consider the impact on the seventh generation..." – Haudenosaunee Great Law



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

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From: Paul J. Witek <pwitek@oneidanation.org>
Sent: Tuesday, January 19, 2021 11:34 AM
To: BC_Agenda_Requests <<u>BC_Agenda_Requests@oneidanation.org</u>>; General_Manager_SignOff@oneidanation.org>
Cc: Deborah J. Thundercloud <<u>dthunde2@oneidanation.org</u>>; Patrick J. Pelky
<ppelky1@oneidanation.org>; Jacque L. Boyle <<u>jboyle@oneidanation.org</u>>; Troy D. Parr
<tparr@oneidanation.org>; Nicole A. Rommel <<u>nrommel@oneidanation.org</u>>
Subject: BC Agenda Request - #14-002 Cemetery Improvements - Status Report

Attached please find the BC Agenda Request Form and noted backup documents.

yaw^?kó• (Thank you!)

Paul J. Witek, AIA, LEED-AP Engineering Department Engineering Director/Senior Architect



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

Office 920.869.4543 Cell 920.713.8641

PO Box 365 Oneida, WI 54155-0365 <u>Oneida-nsn.gov</u> Approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Hiring,...

1. Meeting Date Requested: <u>12</u> / <u>23</u> / <u>20</u>

2. General Information:

	Session: 🛛 Open 📋 Executive - See instructions for the applicable laws, then choose one:		
	Agenda Header: New Business		
	Accept as Information only		
	X Action - please describe:		
	Approve BC SOP: Hiring, Negotiating and Terminating Professional Staff		
3.	Supporting Materials Report Resolution Contract Other:		
	1. SOP - Clean Verions 3.		
	2. SOP - Highlighted version to see changes 4.		
	Business Committee signature required		
4.	Budget Information		
5.	Submission		
	Authorized Sponsor / Liaison: Tehassi Hill, Chairman		
	Primary Requestor/Submitter: Jessica Vandekamp, Employee Relations Representative Your Name, Title / Dept. or Tribal Member		
	Additional Requestor:		
	Name, Title / Dept.		
	Additional Requestor:		

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Purpose: The SOP was updated to remove the BC Support Office from the process and replace with the Employee Relations Representative position. Additional procedures were added to ensure the process was consistent with the current process being used.

Background: The ERR was hired October 1, 2020 and tasked with handling all personnel-related matters, including all complaints and investigations.

Action Requested: Approve BC SOP: Hiring, Negotiating and Terminating Professional Staff.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

ONEIDA ONEIDA NATION STANDARD OPERATING PROCEDURE	TITLE: Hiring, Negotiating and Termination of BC Professional Support Employees	ORIGINATION DATE: July 2006 REVISION DATE: January 21, 2021 EFFECTIVE DATE: After Last Signature
DIVISION: Non-Divisional	APPROVED BY: OBC	DATE:
DEPARTMENT: Oneida Business Committee	REVIEWED BY: EEO Director	date: 1/21/21
AUTHOR: Jessica Vandekamp, Employee Relations	APPROVED BY: Human Resources Department (HRD) Manager	DATE: 1/21/21
EEO Reference #: 70	PAGE NO: 1 of 5	

1.0 PURPOSE

1.1 To set standards for the hiring, negotiating and termination processes of Professional Support Employees who report to the Oneida Business Committee.

2.0 **DEFINITIONS**

- 2.1 **Employee Relations (ER):** A position that reports to the OBC and is the liaison to the Human Resources Department.
- 2.2 **HR Representative:** Human Resources employee who facilitates the hiring, negotiating and termination processes.
- 2.3 **Job Descriptions:** A document defining duties and responsibilities and standard qualifications for a position.
- 2.4 **LOC:** Legislative Operating Committee, which consists of the five (5) Councilmembers.
- 2.5 **LRO:** Legislative Reference Office
- 2.6 **OBC Members:** Five (5) Oneida Business Committee member(s) responsible or designated to directly oversee the work and performance of an employee.
- 2.7 **OBC Officers:** Chairman, Vice Chairman, Treasurer and Secretary of the Council and the LOC Chairman.

140 of 145

3.0 WORK STANDARDS

- 3.1 All positions will be posted as Oneida only.
- 3.2 An applicant for a vacant Professional Support position will be disqualified for hire when any elected OBC member is an immediate family member.
- 3.3 The OBC directly oversees the work and performance of all Professional Support Employees, all of whom are considered a team of work professionals to support the essential operations of the government.
- 3.4 The OBC Officers are the acting supervisors for administrative duties, such as; approving time and attendance requests.
- 3.5 Professional Support employees are employed by a contract and may start once they sign their contract and it has been approved by the Law Office, HRD, and the OBC.
- 3.6 Contracts may be amended each term (3 years) to continue the employee's employment.

Hiring/ Posting Process

- 3.7 A hiring team consisting of a minimum of three (3) OBC members will participate it the hiring process for each vacant position.
 - 3.7.1 The hiring team includes voluntary or assigned OBC members.
 - 3.7.2 The hiring process is facilitated by the ER and the HR Representative.
- 3.8 The OBC may hire up to seven (7) Professional Support employees to work essential services for the government according to Resolution # BC 09-23-20-A.
 - 3.8.1 Executive Assistant
 - 3.8.2 Strategic Planner
 - 3.8.3 Employee Relations
 - 3.8.4 Project Coordinator
 - 3.8.5 Project Manager
 - 3.8.6 Budget Analyst
- 3.9 All newly created job descriptions must be approved by the OBC and documented through OBC minutes.
- 3.10 Professional Support employees will be employed:
 - 3.10.1 Through the regular hiring process with approval to post by OBC action, or
 - 3.10.2 Amending a current employee's contract for an extended amount of time with OBC approval.

Salary and Wages

- 3.11 The OBC must ensure adequate funds are available within the OBC's budget prior to negotiations or salary or wage adjustments.
- 3.12 The negotiated salary must be within the approved allocated amount in the annual budget and cannot exceed the determined grade.
- 3.13 All employees must meet the qualifications and requirements of the respective job description to negotiate wages.
 - 3.13.1 The Table of Equivalency (TOE) may be used when screening an applicant with more or less education or experience.
 - 3.13.2 If an applicant does not meet the qualifications and requirements of the job, he or she cannot be contracted to the desired position.
 - 3.13.3 An applicant's failure to pass the pre-employment drug and alcohol test and/or background check shall automatically disqualify the applicant.
- 3.14 Employees are eligible for compensation increases, such as; salary or wage adjustments and bonuses in accordance with all HR procedures, annual budget allowances and in the contract.

Transfers/Reassignments

- 3.15 Employees are eligible for transfers, promotions and job reassignments after one year of continuous service in the department.
 - 3.15.1 Contract status changes will be processed in the same manner as regular status employees.

Termination of Appointment

3.16 Employees may be terminated under the terms of their contract.

4.0 PROCEDURES

Hiring by Posting

Employee Relations (ER) Responsibilities

- 4.1 Submit updated job description and Request to Post form to an OBC meeting to assign a sub-team to hire and approve the job to be posted.
- 4.2 Submit all HR required documents to the HR Representative.3.17.1 Request to Post with BC minutes approving the posting3.17.2 Approved job description
- 4.3 Schedule screening and interviews with the HR Representative for OBC hiring team.
- 4.4 Create Interview questions, Table of Equivalency form and contract to send to OBC hiring team for review.

- 4.5 Edit interview questions, Table of Equivalency form and/or contract and send final documents to HR Representative by screening date.
- 4.6 Coordinate with the OBC Support Office Executive Assistant to ensure funds are available for salary negotiations within the approved budget.
 - 4.6.1 Notify HR Representative and BC Hiring team of maximum to negotiate.
- 4.7 Once notice is given by HR Representative of the employee being hired,
 - 4.7.1 Submit employment contract to Oneida Law Office for approval.
 - 4.7.1.1 Oneida Law Office will submit to HRD Area Manager for approval.
 - 4.7.1.2 HRD Area Manager will return document to ER.
- 4.8 Upon receipt of approved contract from HRD, submit document to <u>BC_Signoff_Request@oneidanation.org</u> to be signed by an OBC Officer.
- 4.9 Call employee to arrange a meeting time to sign contract, validate start date and explain first day procedures. **(Refer to OBC Onboarding SOP)**
- 4.10 Prepare and schedule Expectations meeting with employee and all OBC.
- 4.11 Send a copy of employment contract with all signatures to employee, HR Representative, Law Office, and file in employee's personnel file.

HR Representative Responsibilities

- 4.12 Post the job description for a minimum of seven (7) calendar days.
- 4.13 Complete all applicable backgrounds and testing as the applications are received.
- 4.14 Notify ER within two (2) days after the position has closed to schedule the screening and interviews.
- 4.15 Ask the Hiring Team if the Table of Equivalencies will be utilized.4.15.1 <u>If yes</u>, review and validate the form.
- 4.16 Determine if applicants meet the qualifications and requirements.
- 4.17 Schedule and facilitate Screening Process.
- 4.18 Review existing interview questions or assist in creating questions
- 4.19 Schedule and confirm interview dates and times with applicants and ER for OBC Hiring Team.
- 4.20 Contact the selected applicant and offer or negotiate a salary.
- 4.21 If applicant declines, notify ER.
- 4.22 Allow the hiring team to choose another applicant.
- 4.23 If applicant accepts, contact the ER regarding the applicant's acceptance of the position with or without conditions and a start date.
- 4.24 Schedule and notify employee of mandatory paperwork and processes for hire.

Hiring by Amending a Contract

- 4.25 At the beginning of a new OBC term, all Professional Support employees contracts and/or performance will be reviewed to determine continuing employment.
- 4.26 Once the OBC determines which employees will be given a contract amendment to extend their employment, ER will facilitate the process by:
 - 4.26.1 Creating an amendment and adding notice into the contract.
 - 4.26.2 Submit amended contract to OBC for approval at the soonest BC Meeting for Executive Session.
 - 4.26.3 Upon BC approval, send to Law Office for approval.
 - 4.26.3.1 Law Office send to HRD Area Manager for approval.
 - 4.26.4 Upon receipt of approved contract from HRD, submit document to BC Signoff Request@oneidanation.org to be signed by an OBC Officer.
 - 4.26.5 Call employee to arrange a meeting time to sign contract, validate start date and explain first day procedures. (Refer to OBC Onboarding)
 - Prepare and schedule Expectations meeting between employee and all
- 4.27 OBC.
- 4.28 Send a copy of employment contract with all signatures to employee, HRD Records, Law Office, and employee's personnel file.

Terminating a Contracted Employee

In accordance with the contract, ER will process all paperwork terminating 4.29 the contract and notifying appropriate departments. (Refer to OBC Restricting Access to Employees on Leave or Separation of **Employment SOP #506)**

REFERENCES 5.0

- 5.1 Request to Post Form (HRD)
- 5.2 Table of Equivalencies (HRD)
- 5.3 Employee Separation Checklist (HRD)
- Request for Services (RFS at MIS) 5.4
- 5.5 Resolution # BC-09-23-20-A
- 5.6 BC: Onboarding
- 5.7 BC SOP: Restricting Access to Employees on Leave or Separation of Employment #506