



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room - 2nd Floor Norbert Hill Center
March 3, 2021
9:00 a.m.

This Legislative Operating Committee meeting will be closed to the public due to the Public Health State of Emergency. This is a preventative measure as a result of the COVID-19 pandemic. An audio recording of the meeting will be made available on the Nation's website.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. February 17, 2021 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Emergency Management and Homeland Security Law Amendments (pg. 3)
2. Community Support Fund Law Amendments (pg. 55)

IV. New Submissions

V. Additions

VI. Administrative Updates

1. Oneida Trust Enrollment Committee Bylaws Amendments (pg. 91)

VII. Executive Session

1. Children's Code Emergency Amendments

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Virtual Meeting held through Microsoft Teams

February 17, 2021

9:00 a.m.

Present: David P. Jordan, Kirby Metoxen Jennifer Webster, Marie Summers

Excused: Daniel Guzman King

Others Present: Clorissa N. Santiago, Kristen Hooker, Aliskwet Ellis, Kristal Hill, Rhiannon Metoxen, Rae Skenandore

I. Call to Order and Approval of the Agenda

David Jordan called the February 17, 2021, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Summers to adopt the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be Approved

1. February 3, 2021 LOC Meeting Minutes

Motion by Jennifer Webster to approve the February 3, 2021 LOC meeting minutes and forward to the Business Committee for consideration with noted adjustments; seconded by Marie Summers. Abstention by Kirby Metoxen. Motion carried.

III. Current Business

1. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments

Motion by Jennifer Webster to approve the Oneida Higher Education Pandemic Relief Fund law emergency adoption packet and forward to the Oneida Business Committee for consideration; seconded by Marie Summers. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Items

1. Legislative Operating Committee FY21 First Quarter Report

Motion by Kirby Metoxen to approve the LOC FY21 First Quarter Report and forward to the Oneida Business Committee; seconded by Marie Summers. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Marie Summers to adjourn at 9:13 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.





Legislative Operating Committee
March 3, 2021

Emergency Management and Homeland Security Law Amendments

Submission Date: 3/17/20	Public Meeting: Due to the COVID-19 pandemic, public meetings were suspended by declaration of the Nation’s COVID-19 Core Decision Making Team. A public comment period was still offered in accordance with the Legislative Procedures Act and held open until 1/13/20.
LOC Sponsor: David P. Jordan	Emergency Enacted: 3/17/20

Summary: *This item was carried over from last term. The request for emergency amendments was added to the AFL in March 2020 in response to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” in response to the COVID-19 pandemic, which has since been extended. The emergency amendments created and delegated authority to a COVID-19 Core Decision Making Team – which allowed the COVID-19 Team to make changes to internal operations and laws in a more efficient manner. The Oneida Business Committee adopted the emergency amendments through resolution BC-03-17-20-E. These emergency amendments were set to expire on September 17, 2020. The Oneida Business Committee extended the emergency amendments to the Emergency Management and Homeland Security law for an additional six (6) month period beginning on September 17, 2020, through the adoption of resolution BC-08-26-20-A. The emergency amendments will now expire on March 17, 2021.*

10/7/20 LOC: Motion by Jennifer Webster to add the Emergency Management and Homeland Security Law Amendments to the Active Files List with David Jordan as the sponsor; seconded by Marie Summers. Motion carried unanimously.

Motion by Jennifer Webster to Enter into the record the results of the August 24, 2020, e-poll titled, “Approval of Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law;” seconded by Marie Summers. Motion carried unanimously.

11/4/20: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Marie Summers, Cristina Danforth, Clorissa N. Santiago, Deborah Thundercloud, Debra Danforth, Michelle Myers, Kelly McAndrews, Mollie Passon, Kaylynn Gresham, Robert Keck, Melinda Danforth, Kristal Hill, Rhiannon Metoxen, James Petitjean. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to have a general discussion on the COVID-19 Core Decision Making Team and if/how it should be permanently included in the law, and then read through the law line-by-line and discuss other potential permanent amendments that should be made. The attorney will update the draft based on this discussion and schedule another work meeting with the team to review the draft.

12/8/20: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Michelle Myers, Mollie Passon, Kaylynn Gresham, Richard Figueroa, Kristal Hill, Rhiannon Metoxen, James Petitjean. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the updated draft of the proposed amendments to the law. Attorney will update the draft based on these discussions and prepare the legislative analysis and public meeting packet.

12/10/20: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Rhiannon Metoxen, James Petitjean. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to finalize a decision as to whether the Community/Public Health Officer should have the authority to order individuals to take a vaccination during a public health emergency.

12/16/20 LOC: 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.

1/13/21: *Public Comment Period Closes.* Three (3) submissions of written comments were received during the public comment period.

1/20/21 LOC: Motion by Jennifer Webster to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.

1/20/21: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Marie Summers, Clorissa N. Santiago, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and consider the written comments that were received during the public comment period.

2/3/21 LOC: Motion by Jennifer Webster to accept the updated public comment review memorandum and legislative analysis; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to revise the definition for “Director” found in section 302.3-1(e) to change “Emergency Management and Homeland Security Agency” to “Emergency Management Department;” seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by February 17, 2021; seconded by Marie Summers. Motion carried unanimously.

2/12/21: *Fiscal Impact Statement Received.* The Finance Department provided the LOC the fiscal impact statement for the proposed amendments to the law.

Next Steps:

- Approve the Emergency Management and Homeland Security law amendments adoption packet and forward to the Oneida Business Committee.
- Approve the resolution titled, “*Emergency Management Law Citation Schedule*” and forward to the Oneida Business Committee for consideration.

Title 3. Health and Public Safety – Chapter 302
Yotlihokté Olihwá:ke
Matters that are concerning immediate attention
EMERGENCY MANAGEMENT

302.1. Purpose and Policy
302.2. Adoption, Amendment, Conflicts
302.3. Definitions
302.4. Emergency Management Department
302.5. Oneida Nation Emergency Planning Committee

302.6. Entity Cooperation
302.7. Public Health Emergencies
302.8. Proclamation of an Emergency
302.9. Emergency Core Decision Making Team
302.10. Enforcement and Penalties

302.1. Purpose and Policy

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

302.2. Adoption, Amendment, Repeal

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A and amended by resolution BC-12-20-06-G, BC-05-13-09-F, and BC-__-__-__-__.

302.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

302.3. Definitions

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical conditions, and including death.

39 (b) “Communicable disease” means any disease transmitted from one person or animal to
 40 another directly by contact with excreta or other discharges from the body, or indirectly via
 41 substances or inanimate objects that may cause a public health emergency.

42 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health
 43 Division, or his or her designee(s), who is responsible for taking the appropriate actions in
 44 order to prevent a public health emergency from occurring on the Reservation.

45 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
 46 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
 47 individuals in order to protect the public health.

48 (e) “Director” means the Director of the Nation’s Emergency Management Department.

49 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
 50 property, or environment which requires urgent intervention to prevent further illness,
 51 injury, death, or other worsening of the situation.

52 (g) “Emergency Management Network” means the entities, volunteers, consultants,
 53 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
 54 agency collaboration, identify and share resources, and better prepare for local incidents
 55 and large-scale disasters.

56 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,
 57 preparedness, response, and recovery activities for all emergency or disaster situations
 58 within the Reservation.

59 (i) “Entity” means any agency, board, committee, commission, or department of the
 60 Nation.

61 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
 62 absent of a disaster.

63 (k) “Isolation” means the separation of persons or animals presumably or actually infected
 64 with a communicable disease, or that are disease carriers, for the usual period of
 65 communicability of that disease in such places and under such conditions as will prevent
 66 the direct or indirect transmission of an infectious agent to susceptible people or to those
 67 who may spread the agent to others.

68 ~~(l) “Judiciary” means the judicial system that was established by Oneida General Tribal
 69 Council resolution GTC 01 07 13 B to administer the judicial authorities and
 70 responsibilities of the Nation.~~

71 ~~(m) “Nation” means the Oneida Nation.~~

72 ~~(n)(1) “Nation” means the Oneida Nation.~~

73 (m) “National Incident Management System” or “NIMS” means the system mandated by
 74 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
 75 provides a consistent nationwide approach for federal, state, local, and tribal governments
 76 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
 77 from domestic incidents, regardless of cause, size, or complexity.

78 (en) “Oneida Nation Emergency Planning Committee” means the committee that assists
 79 the Director in the implementation of this law.

80 (po) “Proclaim” means to announce officially and publicly.

81 (ep) “Public Health Emergency” means the occurrence or imminent threat of an illness
 82 or health condition which:

- 83 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
 84 biological agent; and

85 (2) poses a high probability of any of the following:

86 (A) a large number of deaths or serious or long-term disability among
87 humans; or

88 (B) widespread exposure to a biological, chemical, or radiological agent
89 that creates a significant risk of substantial future harm to a large number of
90 people.

91 (fg) “Quarantine” means the limitation of freedom of movement of persons or animals that
92 have been exposed to a communicable disease or chemical, biological, or radiological
93 agent, for a period of time equal to the longest usual incubation period of the disease or
94 until there is no risk of spreading the chemical, biological, or radiological agent. The
95 limitation of movement shall be in such manner as to prevent the spread of a communicable
96 disease or chemical, biological, or radiological agent.

97 (sr) “Reservation” means all land within the exterior boundaries of the Reservation of the
98 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and
99 any lands added thereto pursuant to federal law.

100 (s) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
101 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
102 07-13-B, and then later authorized to administer the judicial authorities and responsibilities
103 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

104 (t) “Vital resources” means food, water, equipment, sand, wood, or other materials
105 obtained for the protection of life, property, and/or the environment during a proclaimed
106 emergency.

107 302.4. Emergency Management Department

108 302.4-1. The Emergency Management Department shall be responsible for planning and
109 coordinating the response to a disaster or emergency that occurs within the boundaries of the
110 Reservation.

111 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and
112 planning the operational response to an emergency and is hereby empowered to:

113 (a) organize and coordinate efforts of the emergency management network of the Nation;
114 (b) implement the Emergency Response Plan as adopted by the Oneida Business
115 Committee;

116 (c) facilitate coordination and cooperation between entities and resolve questions that may
117 arise among them;

118 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments
119 to administer the best practices contained in the NIMS;

120 (e) coordinate the development and implementation of the NIMS within the Nation;

121 (f) ensure that the following occurs:

122 (1) an Emergency Response Plan is developed and maintained, and includes
123 training provisions for applicable personnel;

124 (2) emergency resources, equipment, and communications systems are developed,
125 procured, supplied, inventoried, and accounted for;

126 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted
127 by the Oneida Business Committee; and

128 (h) enter into mutual aid and service agreements with tribal, local, state, and federal
129 governments, subject to Oneida Business Committee approval.

130 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of

132 an emergency on the Reservation, the Director is hereby empowered:

133 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon
 134 approval of the Emergency Management purchasing agent, who is identified in the
 135 Emergency Response Plan. If a person or business refuses to provide the resource(s)
 136 required, the Director may commandeer resources for public use and bind the Nation for
 137 the fair market value thereof. In the event the purchasing agent is unavailable, the chain of
 138 command, as approved by the Oneida Business Committee, shall be followed.

139 (b) to require emergency activities of as many members of the Nation and/or employees
 140 as deemed necessary.

141 (c) to execute all of the ordinary powers of the Director, all of the special powers conferred
 142 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director
 143 by any agreement approved by the Oneida Business Committee, and to exercise complete
 144 emergency authority over the Reservation.

145 (d) to coordinate with tribal, federal, state, and local authorities.

146

147 **302.5. Oneida Nation Emergency Planning Committee**

148 302.5-1. The Oneida Nation Emergency Planning Committee shall consist of representatives from
 149 entities and a community representative as identified in the Oneida Nation Emergency Planning
 150 Committee bylaws as approved by the Oneida Business Committee.

151 302.5-2. The Oneida Nation Emergency Planning Committee shall meet as necessary to assist the
 152 Director in drafting and maintaining the Emergency Response Plan.

153 302.5-3. At the request of the Director, the Oneida Nation Emergency Planning Committee shall
 154 provide assistance to the Director in the implementation of the provisions of this law or any plan
 155 issued thereunder.

156

157 **302.6. Entity Cooperation**

158 302.6-1. All entities shall comply with reasonable requests from the Director relating to
 159 emergency planning, emergency operations, and federal mandate compliance.

160 302.6-2. The Nation may implement more strict policies or requirements than those issued by the
 161 Community/Public Health Officer.

162

163 **302.7. Public Health Emergencies**

164 302.7-1. In order to prevent a public health emergency, the Director and the Community/Public
 165 Health Officer shall take action to limit the spread of any communicable disease, in accordance
 166 with this law.

167 302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer
 168 suspects or is informed of the existence of any communicable disease, the Community/Public
 169 Health Officer shall investigate and make or cause examinations to be made, as are deemed
 170 necessary.

171 302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of
 172 quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

173 302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health
 174 Officer shall act as necessary to protect the public including, but not limited to, the following
 175 actions:

176 (a) Request the Director to take the necessary steps to have a public health emergency
 177 proclaimed;

178 (b) Quarantine, isolate, or take other communicable disease control measures upon an
179 individual(s); and

180 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any
181 communicable disease to any individual, business, or the general population of the
182 Reservation.

183 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately
184 quarantine, isolate, and/or take other communicable disease control measures upon an individual
185 if the Community/Public Health Officer receives a diagnostic report from a physician or a written
186 or verbal notification from an individual or his or her parent or caretaker that gives the
187 Community/Public Health Officer a reasonable belief that the individual has a communicable
188 disease that is likely to cause a public health emergency.

189 (a) If an individual is infected with a communicable disease and the Community/Public
190 Health Officer determines it is necessary to limit contact with the individual, all persons
191 may be forbidden from being in direct contact with the infected individual, except for those
192 persons having a special written permit from the Community/Public Health Officer.

193 (b) Any individual, including an authorized individual, who enters an isolation or
194 quarantine premises may be subject to isolation or quarantine under this law.

195 (c) When the Community/Public Health Officer deems it necessary that an individual be
196 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public
197 Health Officer shall have that individual removed to such a designated place, if it can be
198 done without danger to the individual's health.

199 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health
200 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as
201 necessary:

202 (a) organize the vaccination of individuals;

203 (1) The following types of individuals shall not be subject to a vaccination:

204 (A) an individual who the vaccination is reasonably likely to lead to serious
205 harm to the individual; and

206 (B) an individual, for reason of religion or conscience, refuses to obtain the
207 vaccination.

208 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive
209 a vaccination; and

210 (c) prevent any individual, except for those individuals authorized by the
211 Community/Public Health Officer, from entering an isolation or quarantine premises.

212 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work
213 with the Community/Public Health Officer to execute the Community/Public Health Officer's
214 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable
215 disease are violated or intent to violate becomes apparent.

216 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected
217 individual shall be charged against the individual or whoever is liable for the individual's care and
218 support.

219

220 **302.8. Proclamation of an Emergency**

221 302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible
222 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or
223 presidential declaration.

224 (a) The Director may request that the Oneida Business Committee proclaim the existence

225 of an emergency. The Oneida Business Committee may proclaim the existence of an
 226 emergency without a request from the Director, if warranted.

227 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the
 228 existence of an emergency, the Director may proclaim an emergency which shall be in
 229 effect until such time the Oneida Business Committee can officially ratify this declaration.

230 302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director
 231 may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the
 232 Oneida Business Committee.

233 302.8-3. *Management Network.* The emergency management network of the Reservation shall
 234 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

235 302.8-4. *After-Action Report.* After an emergency has subsided, the Director shall prepare, or
 236 shall work in conjunction with the appropriate entity to prepare, an after-action report to be
 237 presented to the Oneida Business Committee, any interested entity, and the public. This report
 238 shall be presented to the required parties no later than sixty (60) days after the emergency has
 239 subsided, unless an extension is granted by the Oneida Business Committee.

240 302.8-5. During a proclaimed emergency, the Conservation Department shall be responsible for
 241 the care, disposal, and sheltering of all abandoned domestic animals and livestock. The
 242 Conservation Department may delegate this responsibility to a contracted agency.

243

244 **302.9. Emergency Core Decision Making Team**

245 302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under
 246 this law, the Oneida Business Committee may establish an Emergency Core Decision Making
 247 Team through the adoption of a motion. The motion shall identify the positions of the Nation which
 248 shall make up the members of the Emergency Core Decision Making Team based on the type and
 249 severity of emergency the Nation is experiencing.

250 302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have
 251 emergency authority to take the following actions:

252 (a) Notwithstanding any requirements of the Legislative Procedures Act, declare
 253 exceptions to the Nation's laws during the emergency period which will be of immediate
 254 impact for the purposes of protecting the health, safety, and general welfare of the Nation's
 255 community, members, and employees; and

256 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard
 257 operating procedures, declare exceptions to any policy, procedure, regulation, or standard
 258 operating procedure during the emergency period which will be of immediate impact for
 259 the purposes of protecting the health, safety, and general welfare of the Nation's
 260 community, members, and employees.

261 302.9-3. *Declarations.* All declarations made by the Emergency Core Decision Making Team
 262 shall:

263 (a) be written on the Nation's letterhead;

264 (b) provide the date the declaration was issued;

265 (c) contain a clear statement of the directives;

266 (d) provide the date the directive shall go into effect;

267 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the
 268 Chairperson's absence; and

269 (f) be posted on the Nation's website.

270 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*
 271 *Team.* Any declaration made under the authority granted in this section shall be effective upon

272 the date declared by the Emergency Core Decision Making Team and shall be effective for the
 273 duration of any proclaimed emergency, or for a shorter time period if identified.

274 302.9-5. *Notification to the Oneida Business Committee.* Within twenty-four (24) hours of a
 275 declaration being made, the Emergency Core Decision Making Team shall provide notification of
 276 the declaration to the Oneida Business Committee.

277 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or
 278 emergency action taken by the Emergency Core Decision Making Team.

279

280 **302.10. Enforcement and Penalties**

281 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,
 282 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued
 283 thereunder, whether or not an emergency has been proclaimed.

284 302.10-2. *Citations.* An Oneida Police Department officer may issue a citation to any person who
 285 violates a provision of this law.

286 (a) A citation for a violation of this law shall be processed in accordance with the procedure
 287 contained in the Nation's laws and policies governing citations.

288 (b) The Oneida Business Committee shall adopt through resolution a citation schedule
 289 which sets forth specific fine amounts for violations of this law.-

290 (c) The Trial Court shall have jurisdiction over any action brought under this law.

291 302.10-3. *Disciplinary Action.* An employee of the Nation who violates this law during their work
 292 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action
 293 in accordance with the Nation's laws and policies governing employment.

294 (a) An employee of the Nation who is disciplined under this law may appeal the
 295 disciplinary action in accordance with the Nation's laws and policies governing
 296 employment.

297

298 *End.*

299

300 Adopted - BC-07-15-98-A

301 Amended - BC-12-20-06-G

302 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))


303 Amended - BC-05-13-09-F

304 Emergency Amended – BC-03-17-20-E (COVID-19)

305 Extension of Emergency – BC-08-26-20-A

306 Amended – BC-__-__-__-__



TO: Oneida Business Committee
FROM: Kirby Metoxen, LOC Vice-Chairperson 
DATE: March 10, 2021
RE: Amendments to the Emergency Management and Homeland Security Law

Please find the following attached backup documentation for your consideration of the amendments to the Emergency Management and Homeland Security law:

1. Resolution: Amendments to the Emergency Management and Homeland Security Law
2. Statement of Effect: Amendments to the Emergency Management and Homeland Security Law
3. Emergency Management and Homeland Security Law Legislative Analysis
4. Emergency Management and Homeland Security Law Amendments (Redline Draft)
5. Emergency Management and Homeland Security Law (Clean Draft)
6. Emergency Management and Homeland Security Law Fiscal Impact Statement

Overview

On March 17, 2020, emergency amendments to the Emergency Management and Homeland Security law (the “Law”) were adopted by the Oneida Business Committee through resolution BC-03-17-20-E for the purpose of creating and delegating authority to a COVID-19 Core Decision Making Team during the Nation’s Public Health State of Emergency. Then on August 26, 2020, the Oneida Business Committee extended the adoption of the emergency amendments to the Law for an addition six (6) month period through the adoption of resolution BC-08-26-20-A. The emergency amendments to the Law are set to expire on March 17, 2021.

The Legislative Operating Committee has now prepared permanent amendments to the Law. The purpose of the Emergency Management and Homeland Security law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1]. This resolution adopts permanent amendments to the Law which will:

- Amend the title from Emergency Management and Homeland Security law to the Emergency Management law;
- Revise references to Oneida Community Health Services to Comprehensive Health Division [3 O.C. 302.3-1(d)];
- Revise the title of the Emergency Management and Homeland Security Agency to Emergency Management Department [3 O.C. 302.4];
- Remove a provision regarding the Public Safety Officers’ Benefits Program from the law because it is provided for in federal law;

- Clarify that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer [3 O.C. 302.6-2];
- Clarify that it is within the authority of the Community/Public Health Officer to issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation [3 O.C. 302.7-4(c)];
- Remove a provision that required the Oneida Community Health Services to be responsible for certain expenses of an infected individual;
- Address the authority of the Community/Public Health Officer to organize the vaccinations of individuals during the Public Health Emergency [3 O.C. 302.7-6(a)];
- Clarify exemptions to the requirements for vaccines [3 O.C. 302.7-6(a)(1)(A)-(B)];
- Extend the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days [3 O.C. 302.8-2];
- Clarify that the Conservation Department may contract with an agency to cover their responsibility for the care, disposal, and sheltering of all abandoned domestic animals and livestock during a proclaimed emergency [3 O.C. 302.8-5];
- Delegate authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team upon the declaration of an emergency and determine which positions of the Nation will compose the Emergency Core Decision Making Team [3 O.C. 302.9-1];
- Delegate authority to the Emergency Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation [3 O.C. 302.9-2];
- Provide how the Emergency Core Decision Making Team will make declarations, and the duration of authority for those declarations [3 O.C. 302.9-3, 302.9-4];
- Require that notification of any declaration be provided to the Oneida Business Committee within twenty-four (24) hours of a declaration being made [3 O.C. 302.9-5];
- Clarify the authority of the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team [3 O.C. 302.9-6];
- Provide that citations issued for violations of this Law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 302.10-2(a)];
- Provide that the Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law [3 O.C. 302.10-2(b)]; and
- Make other minor drafting changes throughout the law for clarity.

The Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Nation's Emergency Management Department, Comprehensive Health Division, Risk Management Department, Intergovernmental Affairs, Oneida Law Office, Oneida Business Committee, General Manager, and the Strategic Planner.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the proposed amendments to the Law due to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" regarding the COVID-

19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended until March 13, 2021, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-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, BC-01-07-21-A, and BC-02-10-21-A.

On March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although no public meeting for the proposed amendments to the Law was held in person, the public comment period was still held open until January 13, 2021, for the submission of written comments. Three (3) individuals submitted written comments during the public comment period. All public comments received were reviewed and considered by the Legislative Operating Committee January 20, 2021.

Requested Action

Adopt the Resolution: Amendments to the Emergency Management and Homeland Security Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Amendments to the Emergency Management and Homeland Security Law

- 1
2
3
4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6
7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
8
9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
11
12 **WHEREAS,** the Emergency Management and Homeland Security law (“the Law”) was adopted by the
13 Oneida Business Committee through resolution BC-07-15-98-A, amended by resolutions
14 BC-12-20-06-G and BC-05-13-09-F; and
15
16 **WHEREAS,** the Oneida Business Committee recently adopted emergency amendments to the Law
17 through resolution BC-03-17-20-E and then extended those emergency amendments for
18 an additional six-month period through the adoption of resolution BC-08-26-20-A in
19 accordance with the emergency adoption process set forth by the Legislative Procedures
20 Act; and
21
22 **WHEREAS,** the emergency amendments to the Law are set to expire on March 17, 2021; and
23
24 **WHEREAS,** the Legislative Operating Committee has developed permanent amendments to the Law
25 for consideration by the Oneida Business Committee; and
26
27 **WHEREAS,** the Law provides for the development and execution of plans for the protection of residents,
28 property, and the environment in an emergency or disaster; provides for the direction of
29 emergency management, response, and recovery on the Reservation, as well as
30 coordination with other agencies, victims, businesses, and organizations; establishes the
31 use of the National Incident Management System; and designates authority and
32 responsibilities for public health preparedness; and
33
34 **WHEREAS,** the amendments to the Law amend the title from Emergency Management and Homeland
35 Security law to the Emergency Management law; and
36
37 **WHEREAS,** the amendments to the Law remove a provision regarding the Public Safety Officers’
38 Benefits Program from the law because it is provided for in federal law; and
39
40 **WHEREAS,** the amendments to the Law clarify that the Nation may implement more strict policies or
41 requirements than those issued by the Community/Public Health Officer; and
42
43 **WHEREAS,** the amendments to the Law clarify that it is within the authority of the Community/Public
44 Health Officer to issue any mandate, order, and/or require restrictions which may limit the
45 spread of any communicable disease to any individual, business, or the general population
46 of the Reservation; and

- 47
48 **WHEREAS,** the amendments to the Law remove a provision that required the Oneida Community
49 Health Services to be responsible for certain expenses of an infected individual; and
50
- 51 **WHEREAS,** the amendments to the Law address the authority of the Community/Public Health Officer
52 to organize the vaccinations of individuals during the Public Health Emergency, and clarify
53 exemptions to the requirements for vaccinations; and
54
- 55 **WHEREAS,** the amendments to the Law extend the time period for a proclamation of an emergency
56 from thirty (30) days to sixty (60) days; and
57
- 58 **WHEREAS,** the amendments to the Law clarify that the Conservation Department may contract with an
59 agency to cover their responsibility for the care, disposal, and sheltering of all abandoned
60 domestic animals and livestock during a proclaimed emergency; and
61
- 62 **WHEREAS,** the amendments to the Law delegate authority to the Oneida Business Committee to
63 establish an Emergency Core Decision Making Team upon the declaration of an
64 emergency and determine which positions of the Nation will compose the Emergency Core
65 Decision Making Team; and
66
- 67 **WHEREAS,** the amendments to the Law delegate authority to the Emergency Core Decision Making
68 Team to declare exceptions to any law, policy, procedure, regulation, or standard operating
69 procedure of the Nation; and
70
- 71 **WHEREAS,** the amendments to the Law provide how the Emergency Core Decision Making Team will
72 make declarations, and the duration of authority for those declarations; and
73
- 74 **WHEREAS,** the amendments to the Law require that notification of any declaration be provided to the
75 Oneida Business Committee within twenty-four (24) hours of a declaration being made;
76 and
77
- 78 **WHEREAS,** the amendments to the Law clarify the authority of the Oneida Business Committee to
79 modify, extend, or repeal any declaration or emergency action taken by the Emergency
80 Core Decision Making Team; and
81
- 82 **WHEREAS,** the amendments to the Law provide that citations issued for violations of this Law shall be
83 processed in accordance with the procedure contained in the Nation's laws and policies
84 governing citations; and
85
- 86 **WHEREAS,** the amendments to the Law provide that the Oneida Business Committee shall adopt
87 through resolution a citation schedule which sets forth specific fine amounts for violations
88 of this Law; and
89
- 90 **WHEREAS,** the amendments to the Law make other minor drafting changes throughout the law for
91 clarity; and
92
- 93 **WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law
94 through collaboration with representatives from the Nation's Emergency Management
95 Department, Comprehensive Health Division, Risk Management Department,
96 Intergovernmental Affairs, Oneida Law Office, Oneida Business Committee, General
97 Manager, and the Strategic Planner; and
98
- 99 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
100 statement were completed for the proposed amendments to the Law; and
101

102 **WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance
103 with the Legislative Procedures Act due to the COVID-19 pandemic; and
104

105 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
106 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
107 the Nation until April 12, 2020, which was then subsequently extended through March 13,
108 2021, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-
109 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-
110 12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A; and
111

112 **WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a
113 "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which
114 suspended the Legislative Procedures Act's requirement to hold a public meeting during
115 the public comment period, but allows members of the community to still participate in the
116 legislative process by submitting written comments, questions, data, or input on proposed
117 legislation to the Legislative Operating Committee via e-mail during the public comment
118 period; and
119

120 **WHEREAS,** although a public meeting was not held for the proposed amendments to this Law, the
121 public comment period for the amendments to this Law was held open until January 13,
122 2021, and three (3) submissions of written comments were received during the public
123 comment period; and
124

125 **WHEREAS,** the Legislative Operating Committee reviewed and considered all public comments
126 received on January 20, 2021; and
127

128 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Emergency Management and
129 Homeland Security law are hereby adopted and shall become effective on March 17, 2021.
130



Statement of Effect

Amendments to the Emergency Management and Homeland Security Law

Summary

This resolution adopts amendments to the Emergency Management and Homeland Security law.

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

Date: February 26, 2021

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Emergency Management and Homeland Security law (“the Law”). The purpose of the Law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

On March 17, 2020, emergency amendments to the Emergency Management and Homeland Security law (the “Law”) were adopted by the Oneida Business Committee through resolution BC-03-17-20-E for the purpose of creating and delegating authority to a COVID-19 Core Decision Making Team during the Nation’s Public Health State of Emergency. Then on August 26, 2020, the Oneida Business Committee extended the adoption of the emergency amendments to the Law for an addition six (6) month period through the adoption of resolution BC-08-26-20-A. The emergency amendments to the Law are set to expire on March 17, 2021.

This resolution seeks permanent amendments to the Emergency Management and Homeland Security law which will:

- Amend the title from Emergency Management and Homeland Security law to the Emergency Management law;
- Revise references to Oneida Community Health Services to Comprehensive Health Division [3 O.C. 302.3-1(d)];
- Revise the title of the Emergency Management and Homeland Security Agency to Emergency Management Department [3 O.C. 302.4];
- Remove a provision regarding the Public Safety Officers’ Benefits Program from the law because it is provided for in federal law;
- Clarify that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer [3 O.C. 302.6-2];
- Clarify that it is within the authority of the Community/Public Health Officer to issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation [3 O.C. 302.7-4(c)];

- Remove a provision that required the Oneida Community Health Services to be responsible for certain expenses of an infected individual;
- Address the authority of the Community/Public Health Officer to organize the vaccinations of individuals during the Public Health Emergency [3 O.C. 302.7-6(a)];
- Clarify exemptions to the requirements for vaccines [3 O.C. 302.7-6(a)(1)(A)-(B)];
- Extend the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days [3 O.C. 302.8-2];
- Clarify that the Conservation Department may contract with an agency to cover their responsibility for the care, disposal, and sheltering of all abandoned domestic animals and livestock during a proclaimed emergency [3 O.C. 302.8-5];
- Delegate authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team upon the declaration of an emergency and determine which positions of the Nation will compose the Emergency Core Decision Making Team [3 O.C. 302.9-1];
- Delegate authority to the Emergency Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation [3 O.C. 302.9-2];
- Provide how the Emergency Core Decision Making Team will make declarations, and the duration of authority for those declarations [3 O.C. 302.9-3, 302.9-4];
- Require that notification of any declaration be provided to the Oneida Business Committee within twenty-four (24) hours of a declaration being made [3 O.C. 302.9-5];
- Clarify the authority of the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team [3 O.C. 302.9-6];
- Provide that citations issued for violations of this Law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations [3 O.C. 302.10-2(a)];
- Provide that the Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law [3 O.C. 302.10-2(b)]; and
- Make other minor drafting changes throughout the law for clarity.

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA requires that for all proposed legislation both a legislative and fiscal analysis be developed. [1 O.C. 109.6 and 109.7]. The proposed amendments to the Law comply with these requirements.

The LPA also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the proposed amendments to the Law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until March 13, 2021, through the adoption of resolutions BC-03-28-20-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, BC-01-07-21-A, and BC-02-10-21-A.

On March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although a public meeting for the proposed amendments to the Law was not held, the public comment period was still held open until January 13, 2021. The Legislative Operating Committee reviewed and considered the public comments that were received on January 20, 2021.

Adoption of this resolution complies with the process and procedures of the LPA as it has been modified by the COVID-19 Team's "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration.

This resolution provides that the amendments to the Law would become effective on March 17, 2021, in accordance with the LPA. [1 O.C. 109.9-3].

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws. Adoption of this resolution complies with the Legislative Procedures Act as it has been modified by the COVID-19 Core Decision Making Team's "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration.



AMENDMENTS TO THE EMERGENCY MANAGEMENT AND HOMELAND SECURITY LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Amend title from Emergency Management and Homeland Security law to the Emergency Management law; ▪ Revise references to Oneida Community Health Services to Comprehensive Health Division; ▪ Include a definition for “emergency;” ▪ Revise the title of the Emergency Management and Homeland Security Agency to Emergency Management Department; ▪ Remove a provision regarding the Public Safety Officers’ Benefits Program from the law because it is provided for in federal law; ▪ Clarify that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer; ▪ Clarify that it is within the authority of the Community/Public Health Officer to issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation; ▪ Remove provision that required the Oneida Community Health Services to be responsible for certain expenses of an infected individual; ▪ Address the authority of the Community/Public Health Officer to organize the vaccinations of individuals during the Public Health Emergency; ▪ Clarify exemptions to the requirements for vaccines; ▪ Extend the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days; ▪ Clarify that the Conservation Department may contract with an agency to cover their responsibility for the care, disposal, and sheltering of all abandoned domestic animals and livestock during a proclaimed emergency; ▪ Delegate authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team upon the declaration of an emergency and determine which positions of the Nation will compose the Emergency Core Decision Making Team; ▪ Delegate authority to the Emergency Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation; ▪ Provide how the Emergency Core Decision Making Team will make declarations, and the duration of authority for those declarations; ▪ Require that notification of any declaration be provided to the Oneida Business Committee within twenty-four (24) hours of a declaration being made; ▪ Clarify the authority of the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team;

	<ul style="list-style-type: none"> ▪ Provide that citations issued for violations of this Law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations; and ▪ Provide that the Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law.
Purpose	To provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].
Affected Entities	Community/Public Health Officer, Emergency Management Department
Public Meeting	A public comment period was held open until January 13, 2021. A public meeting was not held in accordance with the Nation’s COVID-19 Core Decision Making Team’s declaration titled, “ <i>Suspension of Public Meetings under the Legislative Procedures Act.</i> ”
Fiscal Impact	On February 12, 2021, the Finance Department provided a fiscal impact statement.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Emergency Management and Homeland Security law (“the Law”) was first adopted by the Oneida Business Committee on July 15, 1998. The Law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provides for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establishes the use of the National Incident Management System; and designates authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

B. Emergency Amendments. On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Law through the adoption of resolution BC-03-17-20-E. Emergency amendments to the Law were sought to create and delegate authority to a COVID-19 Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation. The emergency amendments to this Law were necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments were needed to allow the COVID-19 Core Decision Making Team to act on behalf of the Nation on a daily, or even hourly basis, to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. The emergency amendments to the Law were set to expire on September 17, 2020. On August 26, 2020, the Oneida Business Committee extended the emergency amendments to the Law for an additional six (6) month period through the adoption of resolution BC-08-26-20-A. The emergency amendments to the Law are set to expire on March 17, 2021.

C. The Legislative Operating Committee proposed permanent amendments be made to this Law to permanently adopt some of the emergency amendments that were recently made to the Law, as well as to address other revisions that may be necessary.

SECTION 3. CONSULTATION AND OUTREACH

A. Representatives from the following departments or entities participated in the development of this Law and legislative analysis:

- 28 ▪ Oneida Business Committee;
- 29 ▪ Oneida Law Office;
- 30 ▪ Emergency Management Department;
- 31 ▪ Comprehensive Health Division;
- 32 ▪ Risk Management Department;
- 33 ▪ Intergovernmental Affairs;
- 34 ▪ General Manager; and
- 35 ▪ Strategic Planner.

36 **B.** The following laws were reviewed in the drafting of this analysis:

- 37 ▪ Citations law;
- 38 ▪ Oneida Personnel Policies and Procedures; and
- 39 ▪ Legislative Procedures Act.

40

41 **SECTION 4. PROCESS**

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

- 43 ▪ On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Law
44 through the adoption of resolution BC-03-17-20-E for the purpose of creating and delegating
45 authority to a COVID-19 Core Decision Making Team.
- 46 ▪ On August 26, 2020, the Oneida Business Committee extended the emergency amendments to the
47 Law for an additional six (6) month period through the adoption of resolution BC-08-26-20-A.
- 48 ▪ The LOC added amendments to the Law to its Active Files List on October 7, 2020.
- 49 ▪ The emergency amendments to the Law are set to expire on March 17, 2021.
- 50 ▪ On December 16, 2020, the LOC approved a draft and legislative analysis for the proposed
51 amendments to the Law.
- 52 ▪ On December 16, 2020, the LOC approved the public comment period packet and forwarded the
53 proposed amendments to the Law to a public comment period to be held open until January 13,
54 2021.
- 55 ▪ The public comment period was held open until the close of business on January 13, 2021. Three
56 (3) submissions of written comments were received.
- 57 ▪ On January 20, 2021, the Legislative Operating Committee accepted the public comments and
58 public comment review memorandum. The Legislative Operating Committee then reviewed and
59 considered all the public comments that were received.
- 60 ▪ On February 3, 2021, the Legislative Operating Committee approved the updated public comment
61 review memorandum, final draft law and legislative analysis. The Legislative Operating Committee
62 also directed the Finance Department to prepare a fiscal impact statement and provide it to the
63 Legislative Operating Committee by February 17, 2021.
- 64 ▪ The Finance Department provided a fiscal impact statement of February 12, 2021.

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

- 67 ▪ November 4, 2020: LOC work meeting with Comprehensive Health Division, Emergency
68 Management Department, Oneida Law Office, Oneida Business Committee, Risk Management
69 Department, General Manager, Intergovernmental Affairs, Strategic Planner.

- 70 ▪ December 8, 2020: LOC work meeting with Comprehensive Health Division, Emergency
71 Management Department, Strategic Planner.
- 72 ▪ December 10, 2020: LOC work meeting.
- 73 ▪ January 20, 2021: LOC work meeting.

74 **C. COVID-19 Pandemic’s Effect on the Legislative Process.** The world is currently facing a pandemic
75 of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China
76 and has spread to many other countries throughout the world, including the United States. The COVID-
77 19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts
78 including effects on the stock market and the closing of all non-essential businesses. A public meeting
79 for the proposed amendments to this Law will not be held due to the COVID-19 pandemic, but the
80 submission of written comments will still be permitted.

- 81 ▪ *Declaration of a Public Health State of Emergency.*

- 82 ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
83 *of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State
84 of Emergency for the Nation until April 12, 2020, and set into place the necessary authority
85 for action to be taken and allows the Nation to seek reimbursement of emergency
86 management actions that may result in unexpected expenses.

- 87 ▪ The Public Health State of Emergency has since been extended until March 13, 2021, by
88 the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-
89 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-
90 08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A.

- 91 ▪ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*

- 92 ▪ On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer*
93 *at Home*” declaration which ordered all individuals present within the Oneida Reservation
94 to stay at home or at their place of residence, with certain exceptions allowed. This
95 declaration prohibited all public gatherings of any number of people.

- 96 ▪ On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer*
97 *at Home*” declaration which allowed for gaming and golf operations to resume.

- 98 ▪ On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home*
99 *Declaration, Amendment, Open for Business*” which directs that individuals within the
100 Oneida Reservation should continue to stay at home, businesses can re-open under certain
101 safer business practices, and social distancing should be practiced by all persons.

- 102 ▪ On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at*
103 *Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration,*
104 *Amendment, Open for Business*” while still providing guidance and some restrictions. This
105 declaration prohibits all public and private gatherings of more than twenty (20) people that
106 are not part of a single household or living unit.

- 107 ▪ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”
108 which sets minimum standards for the safe re-opening of a building or recall of employees
109 to work.

- 110 ▪ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*
111 *Legislative Procedures Act.*

- 112 ▪ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a
113 “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which

114 suspended the Legislative Procedures Act's requirement to hold a public meeting during
115 the public comment period, but allows members of the community to still participate in the
116 legislative process by submitting written comments, questions, data, or input on proposed
117 legislation to the Legislative Operating Committee via e-mail during the public comment
118 period.

- 119 ■ Although a public meeting was not held for the proposed amendments to the Emergency
120 Management and Homeland Security law, a public comment period was still held open
121 until January 13, 2021, in accordance with the Legislative Procedures Act and the COVID-
122 19 Core Decision Making Team's "*Suspension of Public Meetings under the Legislative*
123 *Procedures Act*" declaration. Three (3) submissions of written comments were received
124 during the public comment period.

125 **SECTION 5. CONTENTS OF THE LEGISLATION**

127 **A. *Public Safety Officers' Benefit Program.*** The proposed amendments to the Law remove a provision
128 regarding the Public Safety Officers' Benefit Program. Previously, the Law provided that if a person is
129 disabled or dies while serving as a public safety officer, as defined in the Public Safety Officers'
130 Benefits Program, then the spouse of that person and/or any children of that person may be eligible for
131 benefits as determined by the Bureau of Justice Assistance under the Public Safety Officers' Benefits
132 Program, 42 U.S.C. ch. 46, subch. XII.

- 133 ■ *Effect.* The proposed amendments remove the provision regarding the Public Safety Officers'
134 Benefits Program from the Law because this program and its application is already provided in
135 federal law, so therefore the inclusion of this provision in the Law was duplicative.

136 **B. *More Strict Policies and Regulations.*** The proposed amendments to the Law include a new provision
137 which provides that the Nation may implement more strict policies or requirements than those issued
138 by the Community/Public Health Officer. [3 O.C. 302.6-2].

- 139 ■ *Effect.* The proposed amendment to the Law provides clarification that the Nation may implement
140 more strict policies or requirements on its employees and elected or appointed officials than those
141 issued by the Community/Public Health Officer.

142 **C. *Authority of the Community/Public Health Officer.*** The proposed amendments to the Law provide
143 clarification that it is within the authority of the Community/Public Health Officer to issue any mandate,
144 order, and/or require restrictions which may limit the spread of any communicable disease to any
145 individual, business, or the general population of the Reservation. [3 O.C. 302.7-4(c)]. The Law already
146 provided that the Community/Public Health Officer could act as necessary to protect the public by
147 taking action to limit the spread of any communicable disease through use of quarantine or isolation,
148 requiring restrictions, or by taking other communicable disease control measures as necessary.

- 149 ■ *Effect.* During the most recent COVID-19 pandemic the Community/Public Health Officer had to
150 take actions such as issuing a mandate requiring the use of face covering, or limiting the occupancy
151 of businesses in order to protect the Nation from COVID-19. The proposed amendments clarify
152 that these such actions are within the authority of the Nation's Community/Public Health Officer
153 when acting as necessary to protect the public.

154 **D. *Expenses of the Oneida Community Health Services.*** The proposed amendments to the Law removed
155 a provision which provided that the Oneida Community Health Services would be responsible for the
156 following costs unless the costs are payable through third party liability or through any benefit system:
157 the expense for law enforcement assistance under 302.7-4; the expense of maintaining quarantine and

158 isolation of the quarantined area; the expense of conducting examinations and tests made under the
159 direction of the Community/Public Health Officer; and the expense of care for dependent persons of
160 the infected individual. Now, the Law simply provides that expenses for necessary medical care, food,
161 and other articles needed for an infected individual shall be charged against the individual or whoever
162 is liable for the individual's care and support. [3 O.C. 302.7-8].

163 ■ *Effect.* The proposed amendments to the Law remove the financial liability of the cost of care for
164 an infected individual from the Oneida Community Health Services due to the fact that the Nation
165 is not in a financial position to cover these expenses on such a widespread scale as the COVID-19
166 pandemic has presented. The Law provides that expenses for necessary medical care, food, and
167 other articles needed for an infected individual shall be charged against the individual or whoever
168 is liable for the individual's care and support. The Comprehensive Health Division will still provide
169 care and have resources available for those who are eligible to receive care and assistance from the
170 Comprehensive Health Division.

171 **E. *Vaccinations During a Public Health Emergency.*** The proposed amendments to the Law adjust the
172 Community/Public Health Officer's authority in regard to vaccinations during a public health
173 emergency. The Law provides that when a public health emergency is proclaimed, the
174 Community/Public Health Officer may organize the vaccination of individuals. [3 O.C. 302.7-6(a)].
175 The Law then clarifies that the following types of individuals shall not be subject to a vaccination: an
176 individual who the vaccination is reasonably likely to lead to serious harm to the individual; or an
177 individual, for reason of religion or conscience, refuses to obtain the vaccination. [3 O.C. 302.7-
178 6(a)(1)(A)-(B)]. Previously, the Law provided that the Community/Public Health Officer had the
179 authority to order the vaccination of an individual, unless the vaccination is reasonably likely to lead to
180 serious harm to the individual or the individual, for reason of religion or conscience, refuses to obtain
181 the vaccination.

182 ■ *Effect.* The proposed amendment to the Law provides that the Community/Public Health Officer
183 can organize the vaccination of individuals but removes the authority of the Community/Public
184 Health Officer to order the vaccination of an individual. The Legislative Operating Committee
185 wants to ensure that each person has a choice as to whether to receive a vaccination.

186 **F. *Extension of the Time Period for a Proclamation of an Emergency.*** The proposed amendments to
187 the Law extend how long a proclamation of an emergency may last. The Law now provides that no
188 proclamation of an emergency by the Oneida Business Committee or the Director may last for longer
189 than sixty (60) days, unless the proclamation of emergency is extended by the Oneida Business
190 Committee. [3 O.C. 302.8-2]. Previously, the Law provided that no proclamation of an emergency by
191 the Oneida Business Committee or the Director may last for longer than thirty (30) days, unless renewed
192 by the Oneida Business Committee.

193 ■ *Effect.* The proposed amendment to the Law extends how long a proclamation of an emergency
194 may last in recognition that the Nation may experience longer lasting emergencies, such as the
195 COVID-19 pandemic. The Legislative Operating Committee determined that the extension of the
196 proclamation period from thirty (30) to sixty (60) days would be less tedious when extending an
197 emergency proclamation for longer periods of time, but still ensures responsible governance and
198 that the Oneida Business Committee is reviewing the conditions of the Nation to ensure an
199 emergency still exists.

200 **G. *Responsibility of the Conservation Department.*** The proposed amendments to the Law provide that
201 during a proclaimed emergency, the Conservation Department shall be responsible for the care,

202 disposal, and sheltering of all abandoned domestic animals and livestock, and that the Conservation
203 Department may delegate this responsibility to a contracted agency. [3 O.C. 302.8-5]. Previously the
204 Law provided that the provisions of Chapter 34, Oneida Tribal Regulation of Domestic Animals
205 Ordinance, shall not apply during a proclaimed emergency in addition to the statement that during a
206 proclaimed emergency, the Conservation Department shall be responsible for the care, disposal, and
207 sheltering of all abandoned domestic animals and livestock.

- 208 ■ **Effect.** The proposed amendment to the Law clarifies that the Domestic Animals law still remains
209 in effect during a proclaimed emergency, but that it is simply the responsibility of the Conservation
210 Department to maintain the care, disposal, and sheltering of all abandoned domestic animals and
211 livestock. Additionally, the proposed amendment clarifies that the Conservation Department can
212 delegate this responsibility to another agency, such as a Humane Society, through a contract.

213 **G. Emergency Core Decision Making Team.** The proposed amendments to the Law allow the Oneida
214 Business Committee to establish an Emergency Core Decision Making Team upon the proclamation of
215 an emergency under this Law. [3 O.C. 302.9-1]. The Oneida Business Committee is responsible for
216 establishing the Team through the adoption of a motion, and through that motion identifying the
217 positions of the Nation which shall make up the members of the Emergency Core Decision Making
218 Team based on the type and severity of emergency the Nation is experiencing. [3 O.C. 302.9-1].
219 Previously, the emergency amendments to the Law adopted in March 2020 provided that a COVID-19
220 Core Decision Making Team would be created by the declaration of a public health emergency under
221 this Law, and would consist of the following persons: Oneida Business Committee Officers which
222 includes the Chairperson, Vice Chairperson, Treasurer, Secretary; Legislative Operating Committee
223 Chairperson; General Manager; Gaming General Manager; Gaming Assistant Chief Financial Officer;
224 Chief Financial Officer; Intergovernmental Affairs and Communications Director; and Public Relations
225 Director.

- 226 ■ **Effect.** The proposed amendments to the Law adopt on a permanent basis the inclusion of an
227 Emergency Core Decision Making Team, but make adjustments from the COVID-19 Core
228 Decision Making Team that was adopted through the emergency amendments. Instead of the
229 Emergency Core Decision Making Team being automatically established upon the declaration of
230 an emergency, the Oneida Business Committee now has to take the additional step of adopting a
231 motion to establish the Emergency Core Decision Making Team when an emergency is proclaimed.
232 This change to how the Emergency Core Decision Making Team is established was made due to
233 the recognition that not every proclaimed emergency may warrant the need for an Emergency Core
234 Decision Making Team. Additionally, the Law provides that the Oneida Business Committee will
235 identify the positions of the Nation which shall make up the members of the Emergency Core
236 Decision Making Team when the Team is established instead of the Law identifying these positions
237 so that the Emergency Core Decision Making Team can be scaled to the specific type and severity
238 of emergency the Nation is experiencing.

239 **B. Delegation of Authority to the Emergency Core Decision Making Team.** The proposed amendments
240 provide what authority the Emergency Core Decision Making Team is delegated. [3 O.C. 302.9-2].
241 The Emergency Core Decision Making Team shall have authority to declare exceptions to the Nation's
242 laws during the emergency period which will be of immediate impact for the purposes of protecting the
243 health, safety, and general welfare of the community, members of the Nation, and employees of the
244 Nation. [3 O.C. 302.9-2(a)]. The Emergency Core Decision Making Team is also delegated the
245 authority to make these exceptions to the Nation's laws notwithstanding the requirements of the

246 Legislative Procedures Act. This means that the Emergency Core Decision Making team does not have
247 to follow the requirements of the Legislative Procedures Act. The Emergency Core Decision Making
248 Team is also delegated authority to declare an exception to any policy, procedure, regulation, or
249 standard operating procedure of the Nation during the emergency period which will be of immediate
250 impact for the purposes of protecting the health, safety, and general welfare of the Nation's community,
251 members, and employees. [3 O.C. 302.10-2(b)]. The Emergency Core Decision Making Team is
252 delegated the authority to make these exceptions to the Nation's policies, procedures, regulations, or
253 standard operating procedures notwithstanding any requirements of the policies, procedures,
254 regulations, or standard operating procedures. The authority delegated to the Emergency Core Decision
255 Making Team through the proposed amendments is the same authority which was delegated to the
256 COVID-19 Core Decision Making Team through the emergency amendments.

257 ■ *Effect.* The proposed amendments outline the specific authority granted to the Emergency Core
258 Decision Making Team. The Emergency Core Decision Making Team is granted the authority to
259 declare exceptions to a law, policy, procedure, regulation, or standard operating procedure of the
260 Nation, notwithstanding the requirements of the Legislative Procedures Act or any other policy,
261 procedure, regulation, or standard operating procedure, in an effort to provide the Emergency Core
262 Decision Making Team the greatest flexibility in taking action to protect the health, safety, and
263 general welfare of the Nation's community, members, and employees from an emergency.

264 **C. Declaration of an Exception.** The proposed amendments outline the requirements for making a
265 declaration and the duration of authority for declarations. [3 O.C. 302.9-3, 302.9-4]. Any declaration
266 made by the Emergency Core Decision Making Team must be written on the Nation's letterhead,
267 provide the date the declaration was issued, contain a clear statement of the directives, provide the date
268 the directive shall go into effect, be signed by the Oneida Business Committee Chairperson or Vice
269 Chairperson in the Chairperson's absence, and be posted on the Nation's website. [3 O.C. 302.9-3(a)-
270 (f)]. Declarations and actions taken by the Emergency Core Decision Making Team shall be effective
271 upon the date declared by the Emergency Core Decision Making Team, and shall remain in effect for
272 the duration of any declared emergency, or for a shorter time period if identified. [3 O.C. 302.9-4]. The
273 requirements of a declaration and duration of a declaration provided through the proposed amendments
274 is the same as the requirements of a declaration and duration of a declaration provided by the COVID-
275 19 Core Decision Making Team through the emergency amendments.

276 ■ *Effect.* The proposed amendments provide more information on how the Emergency Core Decision
277 Making Team will make declarations of an exception to a law, policy, procedure, regulation, or
278 standard operating procedure of the Nation, and for how long that declaration will remain in effect.

279 **D. Notification to and Review by the Oneida Business Committee.** The proposed amendments to the
280 Law provide that within twenty-four (24) hours of a declaration being made, the Emergency Core
281 Decision Making Team shall provide notification of the declaration to the Oneida Business Committee.
282 [3 O.C. 302.9-5]. The Law also provides that the Oneida Business Committee may modify, extend, or
283 repeal any declaration or emergency action taken by the Emergency Core Decision Making Team. [3
284 O.C. 302.9-6].

285 ■ *Effect.* The proposed amendments to the Law ensure that the Oneida Business Committee is always
286 informed of any declarations that are made by the Emergency Core Decision Making Team, and
287 clarify that the Oneida Business Committee ultimately has the final authority to modify, extend, or
288 repeal any declaration made by the Emergency Core Decision Making Team.

289 **E. Citations.** The proposed amendments to the Law reorganize the enforcement and penalties provisions
290 to clarify that an Oneida Police Department Officer may issue a citation to any person who violates a
291 provision of this Law. [3 O.C. 302.10-2]. The citation for a violation of this law shall be processed in
292 accordance with the procedure contained in the Nation’s Citations law. [3 O.C. 302.10-2(a)]. The
293 Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific
294 fine amounts for violations of this Law. [3 O.C. 302.10-2(b)]. Previously, the Law stated that violators
295 of this Law may be subject to a fine of not more than two hundred dollars (\$200) per violation to be
296 issued by the Oneida Police Department and paid to the Nation, and that all fines assessed under this
297 section shall be paid within sixty (60) days of issuance of the citation, unless the person files an appeal
298 with the Judiciary before the fine is to be paid.

299 ▪ *Effect.* The proposed amendment to the Law updates the language and process regarding citations
300 for violations of this Law in order to conform with the Nation’s Citations law.

301 **F. Minor Drafting Changes.** Minor drafting and formatting changes have been made throughout the
302 Law for clarity including the following:

- 303 ▪ The title of the Law was changed from “Emergency Management and Homeland Security” to
304 “Emergency Management;”
- 305 ▪ References to the “Emergency Management and Homeland Security Agency” were changed to
306 the Emergency Management Department;” and
- 307 ▪ References to the “Oneida Community Health Services” was changed to the “Comprehensive
308 Health Division.”

309

310 **SECTION 6. EXISTING LEGISLATION**

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

312 ▪ *Citations law.* The Citations law provides a consistent process for handling citations of the Nation
313 in order to ensure equal and fair treatment to all persons who come before the Judiciary to have
314 their citations resolved. [8 O.C. 807.1-2]. The Citations law provides how a citation action is started
315 – such as who has the authority to issue a citation, the requirements of the form of the citation, and
316 how a citation is served and filed; stipulations for the settlement of a citation; and the citation
317 hearing procedures. [8 O.C. 807].

318 ▪ This Law provides that a citation for a violation of this Law shall be processed in
319 accordance with the procedure contained in the Nation’s laws and policies governing
320 citations. [3 O.C. 302.10-2]. The Citations law is the Nation’s law governing citations.

321 ▪ Any citations issued by the Oneida Police Department for a violation of this Law must
322 comply with the requirements and procedures of the Citations law.

323 ▪ *Oneida Personnel Policies and Procedures.* The Oneida Personnel Policies and Procedures is the
324 Nation’s law which governs employment. The Oneida Personnel Policies and Procedures provides
325 the process for handling complaints, disciplinary actions, and grievances. [Section V.D.].

326 ▪ This Law provides that an employee of the Nation who violates this Law during their
327 work hours or who refuses to follow the Emergency Response Plan may be subject to
328 disciplinary action in accordance with the Nation’s laws and policies governing
329 employment. [3 O.C. 302.10-3].

330 ▪ This Law also provides that an employee of the Nation who is disciplined under this
331 Law may appeal the disciplinary action in accordance with the Nation’s laws and
332 policies governing employment. [3 O.C. 302.10-3(a)].

- 333 ▪ A supervisor would have to follow the disciplinary action procedure contained in the
334 Oneida Personnel Policies and Procedures to hold an employee accountable for a
335 violation of this Law.
- 336 **B.** The proposed amendments to the Law have the follow impact on existing legislation of the Nation.
- 337 ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal
338 Council on January 7, 2013, for the purpose of providing a standard process for the adoption of laws
339 of the Nation which includes taking into account comments from members of the Nation and input
340 from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
- 341 ▪ The Legislative Procedures Act provides a process for the adoption of emergency
342 legislation when the legislation is necessary for the immediate preservation of the
343 public health, safety, or general welfare of the Reservation population and the
344 enactment or amendment of legislation is required sooner than would be possible under
345 this law. [1 O.C. 109.9-5].
- 346 ▪ The Legislative Operating Committee is responsible for first reviewing the
347 emergency legislation and for forwarding the legislation to the Oneida
348 Business Committee for consideration. [1 O.C. 109.9-5(a)].
- 349 ▪ The proposed emergency legislation is required to have a legislative analysis
350 completed and attached prior to being sent to the Oneida Business Committee
351 for consideration. [1 O.C. 109.9-5(a)].
- 352 ▪ A legislative analysis is a plain language analysis describing the
353 important features of the legislation being considered and factual
354 information to enable the Legislative Operating Committee to make
355 informed decisions regarding legislation. A legislative analysis
356 includes a statement of the legislation’s terms and substance; intent of
357 the legislation; a description of the subject(s) involved, including any
358 conflicts with Oneida or other law, key issues, potential impacts of the
359 legislation and policy considerations. [1 O.C. 109.3-1(g)].
- 360 ▪ Emergency legislation does not require a fiscal impact statement to be
361 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
- 362 ▪ Upon the determination that an emergency exists the Oneida Business
363 Committee can adopt emergency legislation. The emergency legislation
364 becomes effective immediately upon its approval by the Oneida Business
365 Committee. [1 O.C. 109.9-5(b)].
- 366 ▪ Emergency legislation remains in effect for a period of up to six (6) months,
367 with an opportunity for a one-time emergency law extension of up to six (6)
368 months. [1 O.C. 109.9-5(b)].
- 369 ▪ Section 302.9-2(a) of the proposed emergency amendments to this Law conflict with
370 section 109.9-5 of the Legislative Procedures Act. The Legislative Procedures Act
371 provides a clear process for how the Nation is expected to handle emergency
372 legislation. The proposed amendments allow the Emergency Core Decision Making
373 Team the authority to declare exceptions to laws of the Nation notwithstanding any
374 requirements of the Legislative Procedures Act.
- 375 ▪ Although the proposed amendments conflict with the Legislative Procedures Act, the
376 Oneida Business Committee is being asked to consider the adoption of this amendment

377 due to the fact that the Nation needs to be able to address its internal governmental
378 operations and laws as they relate to an emergency on a daily, or even hourly basis in
379 order to provide the best effort of protection the health, safety, and general welfare of
380 the Reservation population.

381 ■ The proposed amendments allocation of authority to the Emergency Core Decision
382 Making Team to declare exceptions to the Nation’s laws during the emergency period
383 which will be of immediate impact for the purposes of protecting the health, safety,
384 and general welfare of the Nation’s community, members, and employees will
385 supersede the requirements of the Legislative Procedures Act when the Nation has
386 proclaimed an emergency.

387

388 **SECTION 7. ENFORCEMENT AND ACCOUNTABILITY**

389 **A. Enforcement.** The Oneida Police Department is delegated enforcement authority under this Law.

390 ■ The Oneida Police Department shall take enforcement action when necessary and work with the
391 Community/Public Health Officer to execute the Community/Public Health Officer’s orders and
392 properly guard any place if quarantine, isolation, or other restrictions on communicable disease are
393 violated or intent to violate becomes apparent. [3 O.C. 302.7-7].

394 ■ An officer of the Oneida Police Department may issue a citation to any person who violates a
395 provision of this Law. [3 O.C. 302.10-2].

396 **B. Citation Schedule Resolution.** The Oneida Business Committee is delegated the authority to adopt
397 through resolution a citation schedule which sets forth specific fine amounts for violations of this Law.
398 [3 O.C. 302.10-2(b)].

399

400 **SECTION 8. OTHER CONSIDERATIONS**

401 **A. Deadline for Permanent Adoption of Amendments.** The emergency amendments to the Law, as
402 adopted by the Oneida Business Committee through BC-03-17-20-E, and extended through BC-08-26-
403 20-A, will expire on March 17, 2021.

404 ■ *Conclusion:* The Legislative Operating Committee will need to complete the development and
405 adoption of permanent amendments to this Law prior to March 17, 2021.

406 **B. Citation Schedule.** This Law provides that the Oneida Business Committee shall hereby be delegated
407 the authority to adopt through resolution a citation schedule which sets forth specific fine amounts for
408 violations of this Law. [3 O.C. 302.10-2(b)]. A citation schedule will need to be developed and adopted.
409 On March 19, 2020, the Nation’s COVID-19 Core Decision Making Team issued a declaration titled,
410 “*Emergency Management and Homeland Security Law Fine and Penalty Schedule*” which set forth a
411 fine schedule for violations of the Law. This declaration can be used in the development of a citations
412 schedule.

413 ■ *Conclusion.* The Legislative Operating Committee developed and plans to bring a proposed
414 citation schedule resolution to the Oneida Business Committee for consideration at the time these
415 amendments are considered for adoption.

416 **C. Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
417 legislation except emergency legislation. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
418 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
419 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete

420 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
421 completing the fiscal impact statement. On February 3, 2021, the LOC directed that a fiscal impact
422 statement of the proposed amendments to the Law be completed by the Finance Department.

423 ▪ *Conclusion.* On February 12, 2021, the Finance Department provided a fiscal impact statement
424 of the proposed amendments to the Law.

425

Title 3. Health and Public Safety – Chapter 302

Yotlihokté Olihwá:ke

Matters that are concerning immediate attention

EMERGENCY MANAGEMENT ~~AND HOMELAND SECURITY~~

- 302.1. Purpose and Policy
- 302.2. Adoption, Amendment, Conflicts
- 302.3. Definitions
- 302.4. Emergency Management ~~Homeland Security Department~~
- 302.5. Oneida Nation Emergency Planning Committee (~~ONEPC~~)
- 302.6. ~~Tribal~~Entity Cooperation
- 302.7. Public Health Emergencies ~~and Communicable Disease~~
- 302.8. ~~When Proclamation of an Emergency is Proclaimed~~
- 302.9. ~~Emergency Enforcement and Penalties~~
- ~~302.10. COVID-19~~ Core Decision Making Team
- ~~302.10. Enforcement and Penalties~~

302.1. Purpose and Policy

302.1-1. ~~—Purpose.~~ The ~~purposes~~purpose of this law ~~are~~is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; ~~and~~
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; ~~and~~
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. ~~—Policy.~~ It is the policy of ~~this law~~the Nation to provide:

- (a) a description of the emergency management network of the Nation; ~~and~~
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of ~~Tribal~~the Nation's emergency response ~~management~~ plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

302.2. Adoption, Amendment, ~~Conflicts~~Repeal

302.2-1. ~~—~~This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A and amended by ~~resolution~~ BC-12-20-06-G, BC-05-13-09-F, and ~~emergency amended by BC-03-17-20-E~~BC- - - - .

302.2-2. ~~—~~This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. ~~—~~Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

302.2-4. ~~—~~In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. ~~—~~This law is adopted under authority of the Constitution of the Oneida Nation.

302.3. Definitions

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

38 (a) “Biological Agentagent” means an infectious disease or toxin that has the ability to
 39 adversely affect human health in a variety of ways, from mild allergic reactions to serious
 40 medical conditions, and including death.

41 (b) “Communicable Disease~~disease~~” means any disease transmitted from one person or
 42 animal to another directly by contact with excreta or other discharges from the body, or
 43 indirectly via substances or inanimate objects that may cause a public health emergency.

44 (c) “Community/Public Health Officer” means an agent of the ~~OCHS~~Comprehensive
 45 Health Division, or his or her designee(s), who is responsible for taking the appropriate
 46 actions in order to prevent a public health emergency from occurring on the Reservation.

47 ~~(d) “COVID-19” means a mild to severe respiratory illness that is caused by a coronavirus,~~
 48 ~~is transmitted chiefly by contact with infectious material, and is characterized especially~~
 49 ~~by fever, cough and shortness of breath and may progress to pneumonia and respiratory~~
 50 ~~failure.~~

51 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
 52 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
 53 individuals in order to protect the public health.

54 (e) “Director” means the Director of the Nation’s Emergency Management/~~Homeland~~
 55 ~~Security Agency Department.~~

56 ~~(f)~~ (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
 57 property, or environment which requires urgent intervention to prevent further illness,
 58 injury, death, or other worsening of the situation.

59 (g) “Emergency Management Network” means the entities, volunteers, consultants,
 60 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
 61 agency collaboration, identify and share resources, and better prepare for local incidents
 62 and large-scale disasters.

63 ~~(g)~~ (h) “Emergency OperationsResponse Plan” means the plan established to coordinate
 64 mitigation, preparedness, response, and recovery activities for all emergency or disaster
 65 situations within the Reservation.

66 ~~(h)~~ (i) “Entity” means any ~~Tribal~~ agency, board, committee, commission, or department
 67 of the Nation.

68 ~~(i)~~ (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
 69 absent of a disaster.

70 ~~(j)~~ (k) “Isolation” means the separation of persons or animals presumably or actually
 71 infected with a communicable disease, or that are disease carriers, for the usual period of
 72 communicability of that disease in such places and under such conditions as will prevent
 73 the direct or indirect transmission of an infectious agent to susceptible people or to those
 74 who may spread the agent to others.

75 ~~(k) “Judiciary” means the judicial system that was established by Oneida General Tribal~~
 76 ~~Council resolution GTC-01-07-13-B to administer the judicial authorities and~~
 77 ~~responsibilities of the Nation.~~

78 (l) “Nation” means the Oneida Nation.

79 (m) “National Incident Management System” or “NIMS” means the system mandated by
 80 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
 81 provides a consistent nationwide approach for federal, state, local, and tribal governments
 82 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
 83 from domestic incidents, regardless of cause, size, or complexity.

84 ~~(n) “OCHS” means the Oneida Community Health Services, which is authorized to issue~~

~~compulsory vaccinations, require isolation, and quarantine individuals in order to protect the public health.~~

~~(e)~~ “Oneida Nation Emergency Planning Committee” ~~or “ONEPC”~~ means the committee that assists the Director in the implementation of this law.

~~(p)~~~~o~~ “Proclaim” means to announce officially and publicly.

~~(q)~~~~p~~ “Public Health Emergency” means the occurrence or imminent threat of an illness or health condition which:

(1) is a quarantinable disease, or is believed to be caused by bioterrorism or a biological agent; and

(2) poses a high probability of any of the following:

(A) a large number of deaths or serious or long-term disability among humans; or

(B) widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.

~~(r)~~~~q~~ “Quarantine” means the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease or chemical, biological, or radiological agent, for a period of time equal to the longest usual incubation period of the disease or until there is no risk of spreading the chemical, biological, or radiological agent. The limitation of movement shall be in such manner as to prevent the spread of a communicable disease or chemical, biological, or radiological agent.

~~(s)~~~~r~~ “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(s)~~ “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

(t) “~~Vital Resources~~resources” means food, water, equipment, sand, wood, or other materials obtained for the protection of life, property, and/or the environment during a proclaimed emergency.

302.4. Emergency Management/~~Homeland Security~~ Department

302.4-1. ~~There is hereby created an~~The Emergency Management/~~Homeland Security Agency~~ ~~which is~~ Department shall be responsible for planning and coordinating the response to a disaster or emergency that occurs within the boundaries of the Reservation.

302.4-2. ~~Authority of the Director.~~ The Director shall be responsible for coordinating and planning the operational response to an emergency and is hereby empowered to:

(a) organize and coordinate efforts of the emergency management network of the Nation;

(b) implement the Emergency ~~Operations~~Response Plan as adopted by the Oneida Business Committee;

(c) facilitate coordination and cooperation between entities and resolve questions that may arise among them;

(d) incorporate the HSPD 5, ~~issued on February 28, 2003~~ which requires all ~~Federal~~federal, state, local, and tribal governments to administer the best practices contained in the NIMS;

131 (e) ~~_~~ coordinate the development and implementation of the NIMS within the Nation;

132 (f) ~~_~~ ensure that the following occurs:

133 (1) ~~_~~ an Emergency ~~Operations~~Response Plan is developed and maintained, and
 134 includes training provisions for applicable personnel;

135 (2) emergency resources, equipment, and communications systems are developed,
 136 procured, supplied, inventoried, and accounted for;

137 (g) ~~_~~ establish the line of authority as recorded in the Emergency ~~Operations~~Response Plan
 138 as adopted by the Oneida Business Committee; and

139 (h) ~~_~~ enter into mutual aid and service agreements with tribal, local, state, and federal
 140 governments, subject to Oneida Business Committee approval.

141 302.4-3. ~~In~~Action when an Emergency is Proclaimed. In addition, in the event of a proclamation
 142 of an emergency on the Reservation, the Director is hereby empowered:

143 (a) ~~_~~ to obtain vital resources and to bind the Nation for the fair market value thereof, upon
 144 approval of the Emergency Management/~~Homeland Security~~ purchasing agent, who is
 145 identified in the Emergency ~~Operations~~Response Plan. If a person or business refuses to
 146 provide the resource(s) required, the Director may commandeer resources for public use
 147 and bind the Nation for the fair market value thereof. In the event the purchasing agent is
 148 unavailable, the chain of command, as approved by the Oneida Business Committee, shall
 149 be followed.

150 (b) ~~_~~ to require emergency activities of as many ~~Tribal~~members of the Nation and/or
 151 employees as deemed necessary.

152 (c) ~~_~~ to execute all of the ordinary powers of the Director, all of the special powers conferred
 153 by this law or by resolution adopted pursuant thereto, all powers conferred on the Director
 154 by any agreement approved by the Oneida Business Committee, and to exercise complete
 155 emergency authority over the Reservation.

156 (d) ~~_~~ to coordinate with tribal, federal, state, and local authorities.

157 **302.5. Oneida Nation Emergency Planning Committee** (~~ONEPC~~)

159 302.5-1. ~~—~~ The ~~ONEPC~~Oneida Nation Emergency Planning Committee shall consist of
 160 representatives from entities and a community representative as identified in the ~~ONEPC~~Oneida
 161 Nation Emergency Planning Committee bylaws as approved by the Oneida Business Committee.

162 302.5-2. ~~—~~ The ~~ONEPC~~Oneida Nation Emergency Planning Committee shall meet as necessary
 163 to assist the Director in drafting and maintaining the Emergency ~~Operations~~Response Plan.

164 302.5-3. ~~—~~ At the request of the Director, the ~~ONEPC~~Oneida Nation Emergency Planning
 165 Committee shall provide assistance to the Director in the implementation of the provisions of this
 166 law or any plan issued thereunder.

167 **302.6. ~~Tribal~~Entity Cooperation**

168 302.6-1. ~~—~~ All entities shall comply with reasonable requests from the Director relating to
 169 emergency planning, emergency operations, and federal mandate compliance.

170 ~~302.6-2. — A person who is disabled or dies while serving as a public safety officer, as defined in~~
 171 ~~the Public Safety Officers' Benefits Program, the spouse of that person and/or any children of~~
 172 ~~that person may be eligible for benefits as determined by the Bureau of Justice Assistance under~~
 173 ~~the Public Safety Officers' Benefits Program, 42 U.S.C. ch. 46, subch. XII.~~

174 302.6-2. The Nation may implement more strict policies or requirements than those issued by the
 175 Community/Public Health Officer.

178 **302.7. Public Health Emergencies and Communicable Disease**

179 302.7-1. —In order to prevent a public health emergency, the Director and the Community/Public
180 Health Officer shall take action to limit the spread of any communicable disease, in accordance
181 with this law.

182 302.7-2. —Investigation of Communicable Disease. If the Community/Public Health Officer
183 suspects or is informed of the existence of any communicable disease, the Community/Public
184 Health Officer shall investigate and make or cause examinations to be made, as are deemed
185 necessary.

186 302.7-3. —~~The Community/Public Health Officer may quarantine, isolate, require restrictions, or~~
187 ~~take other communicable disease control measures as necessary. Any individual, including an~~
188 ~~authorized individual, who enters an isolation or quarantine premises may be subject to isolation~~
189 ~~or quarantine under this law.~~Quarantinable Diseases. The Community/Public Health Officer shall
190 provide a list of quarantinable diseases specified in a resolution to be adopted by the Oneida
191 Business Committee.

192 302.7-4. (a) The list Authority of quarantinable diseases shall be specified in a resolution adopted
193 by the Oneida Business Committee as recommended by the the Community/Public Health Officer.
194 The Community/Public Health Officer shall act as necessary to protect the public including, but
195 not limited to, the following actions:

196 (b)(a) Request the Director to take the necessary steps to have a public health emergency
197 proclaimed;

198 (b) Quarantine, isolate, or take other communicable disease control measures upon an
199 individual(s); and

200 (c) Issue any mandate, order, and/or require restrictions which may limit the spread of any
201 communicable disease to any individual, business, or the general population of the
202 Reservation.

203 302.7-5. Quarantine and Isolation. The Community/Public Health Officer shall immediately
204 quarantine, isolate, and/or take other communicable disease control measures upon an individual
205 if the Community/Public Health Officer receives a diagnostic report from a physician or a written
206 or verbal notification from an individual or his or her parent or caretaker that gives the
207 Community/Public Health Officer a reasonable belief that the individual has a communicable
208 disease that is likely to cause a public health emergency.

209 ~~(e) When the Community/Public Health Officer deems it necessary that an individual be~~
210 ~~quarantined or otherwise restricted in a separate place, the Community/Public Health~~
211 ~~Officer shall have that individual removed to such a designated place, if it can be done~~
212 ~~without danger to the individual's health.~~

213 ~~Cross reference: See also Resolution Identifying Quarantinable Diseases BC-05-13-09-G.~~

214 -

215 ~~(a) 302.7-4. —The Community/Public Health Officer shall act as necessary to protect the~~
216 ~~public, including requesting the Director to take steps to have a public health emergency~~
217 ~~proclaimed, as identified in 302.8.~~

218 302.7-5. —If an individual is infected with a communicable disease and the
219 Community/Public Health Officer determines it is necessary to limit contact with the
220 individual, all persons may be forbidden from being in direct contact with the infected
221 individual, except for those persons having a special written permit from the
222 Community/Public Health Officer.

223 (b) Any individual, including an authorized individual, who enters an isolation or quarantine
224 premises may be subject to isolation or quarantine under this 302.7-6. ~~The Nation's law~~

enforcement agency shall work with the Community/Public Health Officer to execute the Community/Public Health Officer's orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested.

302.7-7. Expenses for law.

(c) When the Community/Public Health Officer deems it necessary medical care, food, and other articles needed for an infected individual shall be charged against the individual or whoever is liable for the individual's support. The OCHS is responsible for the following costs accruing under this section unless the costs are payable through third party liability or through any benefit system:

(a) ~~the expense for law enforcement assistance under 302.7-4.~~

(b) ~~the expense of maintaining quarantine and isolation of the~~ that an individual be quarantined area.

(c) ~~the expense of conducting examinations and tests made under the direction of, isolated, or otherwise restricted in a separate place,~~ the Community/Public Health Officer shall have that individual removed to such a designated place, if it can be done without danger to the individual's health.

(d) ~~the expense of care for dependent persons of the infected individual.~~

~~302.7-8.~~ When 302.7-6. Action when a Public Health Emergency is Proclaimed. In addition, when a public health emergency is proclaimed, the Community/Public Health Officer may do all of the following, as necessary:

(a) ~~order~~ organize the vaccination of individuals;

(1) The following types of individuals shall not be subject to a vaccination:

(A) an individual to receive a vaccination, unless who the vaccination is reasonably likely to lead to serious harm to the individual ~~or the;~~ and

(B) an individual, for reason of religion or conscience, refuses to obtain the vaccination.

(b) ~~isolate or quarantine individuals, including those who are unable or unwilling to receive the~~ a vaccination under (a); and

(c) ~~prevent any individual, except for those individuals authorized by the Community/Public Health Officer, from entering an isolation or quarantine premises.~~

302.8. When an Emergency is Proclaimed

302.7-7. The Oneida Police Department shall take enforcement action when necessary and work with the Community/Public Health Officer to execute the Community/Public Health Officer's orders and properly guard any place if quarantine, isolation, or other restrictions on communicable disease are violated or intent to violate becomes apparent.

302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected individual shall be charged against the individual or whoever is liable for the individual's care and support.

302.8. Proclamation of an Emergency

302.8-1. — Proclamation of an Emergency. The Oneida Business Committee shall be responsible for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or presidential declaration.

(a) ~~302.8-2.~~ The Director may request that the Oneida Business Committee proclaim the existence of an emergency. The Oneida Business Committee may proclaim the existence of an emergency without a request from the Director, if warranted.

(b) In the event the Oneida Business Committee is unable to proclaim or ratify the

272 existence of an emergency, the Director may proclaim an emergency which shall be in
 273 effect until such time the Oneida Business Committee can officially ratify this declaration.

274 ~~The Oneida Business Committee may proclaim the existence of an emergency without a~~
 275 ~~request from the Director, if warranted.~~

276 ~~302.8-2. 302.8-3. The emergency management network of the Reservation shall be as~~
 277 ~~specified in the Emergency Operations Plan, as adopted by the Oneida Business Committee.~~

278 ~~302.8-4. The provisions of Chapter 34, Oneida Tribal Regulation of Domestic Animals~~
 279 ~~Ordinance, shall not apply during a proclaimed emergency. During a proclaimed emergency, the~~
 280 ~~Conservation Department shall be responsible for the care, disposal, and sheltering of all~~
 281 ~~abandoned domestic animals and livestock.~~

282 ~~302.8-5. No proclamation of an emergency by the Oneida Business Committee or the Director~~
 283 ~~may last for longer than thirty (30) days, unless renewed the proclamation of emergency~~
 284 ~~is extended by the Oneida Business Committee.~~

285 ~~302.8-3. Management Network. The emergency management network of the Reservation shall~~
 286 ~~be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.~~

287 ~~302.8-4. After-Action Report. After an emergency has subsided, the Director shall prepare, or~~
 288 ~~shall work in conjunction with the appropriate entity to prepare, an after-action report to be~~
 289 ~~presented to the Oneida Business Committee, any interested entity, and the public. This report~~
 290 ~~shall be presented to the required parties no longer later than sixty (60) days after the emergency~~
 291 ~~has subsided, unless an extension is granted by the Oneida Business Committee.~~

292 ~~302.8-5. During~~

293 ~~302.9. Enforcement and Penalties~~

294 ~~302.9-1. It shall be a violation of this law for any person to willfully obstruct, hinder, or delay~~
 295 ~~the implementation or enforcement of the provisions of this law or any plan issued thereunder,~~
 296 ~~whether or not an emergency has been proclaimed.~~

297 ~~(a) Violators of this law may be subject to a fine of not more than \$200 per violation to be issued~~
 298 ~~by the Oneida Police Department and paid to the Nation. Employees of the Nation who violate~~
 299 ~~this law during their work hours or who refuse to follow the a proclaimed emergency, the~~
 300 ~~Conservation Department shall be responsible for the care, disposal, and sheltering of all~~
 301 ~~abandoned domestic animals and livestock. The Conservation Department may delegate this~~
 302 ~~responsibility to a contracted agency.~~

304 ~~302.9. Emergency Operations Plan may be subject to disciplinary action instead of a~~
 305 ~~fine~~ **Emergency Core Decision Making Team**

306 =

307 ~~302.9-2. All fines assessed under this section shall be paid within sixty (60) days of issuance of~~
 308 ~~the citation, unless the person files an appeal with the Judiciary before the fine is to be paid.~~

309 ~~302.9-3. Employees of the Nation who are disciplined under this law may appeal the disciplinary~~
 310 ~~action in accordance with the personnel policies and procedures of the Nation.~~

312 ~~302.10. COVID-19 Core Decision Making Team~~

313 ~~302.10-1. Creation of~~ 302.9-1. Emergency Core Decision Making Team. Upon the proclamation
 314 of an emergency under this law, the Oneida Business Committee may establish an Emergency
 315 Core Decision Making Team through the adoption of a motion. The motion shall identify the
 316 positions of the Nation which shall make up the members of the Emergency Core Decision Making
 317 Team based on the type and severity of emergency the Nation is experiencing.

318 ~~302.9-2. *Core Decision Making Team.* There is hereby created a COVID-19 Core Decision~~
 319 ~~Making Team (COVID-19 Team) which shall exist by declaration of a public health emergency~~
 320 ~~under this law. The COVID-19 Team shall be made up of the following persons:~~

- 321 ~~(a) Oneida Business Committee Officers which includes the Chairperson, Vice~~
 322 ~~Chairperson, Treasurer, Secretary;~~
 323 ~~(b) Legislative Operating Committee Chairperson;~~
 324 ~~(c) General Manager;~~
 325 ~~(d) Gaming General Manager;~~
 326 ~~(e) Gaming Assistant Chief Financial Officer;~~
 327 ~~(f) Chief Financial Officer;~~
 328 ~~(g) Intergovernmental Affairs and Communications Director; and~~
 329 ~~(h) Public Relations Director.~~

330 ~~302.10 2. *Delegation of Authority.* The COVID-19~~ The Emergency Core Decision Making Team
 331 shall have emergency authority to take the following actions:

- 332 (a) Notwithstanding any requirements of the Legislative Procedures Act, declare
 333 exceptions to the Nation's laws during the emergency period which will be of immediate
 334 impact for the purposes of protecting the health, safety, and general welfare of the Nation's
 335 community, members, and employees.; and
 336 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard
 337 operating procedures, declare exceptions to any policy, procedure, regulation, or standard
 338 operating procedure during the emergency period which will be of immediate impact for
 339 the purposes of protecting the health, safety, and general welfare of the ~~the~~ Nation's
 340 community, members, and employees.

341 ~~302.10 3. *Duration of Authority for Exceptions Declared by the COVID-19 Team.* Any actions~~
 342 ~~taken under authority granted in this section shall be effective upon the date declared by the~~
 343 ~~COVID-19 Team and shall be effective for the duration of any declared emergency, or for a shorter~~
 344 ~~time period if identified.~~

- 345 ~~(a) The Oneida Business Committee may change or extend any emergency actions taken~~
 346 ~~by the COVID-19 Team.~~

347 ~~302.10 4. *Declarations.* All declarations made by the COVID-19~~ Emergency Core Decision
 348 Making Team shall:

- 349 (a) be written on the Nation's letterhead;
 350 (b) provide the date the declaration was issued;
 351 (c) contain a clear statement of the directives;
 352 (d) provide the date the directive shall go into effect;
 353 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the
 354 Chairperson's absence; and
 355 (f) be posted on the Nation's ~~COVID-19 web site~~ website.

356 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*
 357 *Team.* Any declaration made under the authority granted in this section shall be effective upon
 358 the date declared by the Emergency Core Decision Making Team and shall be effective for the
 359 duration of any proclaimed emergency, or for a shorter time period if identified.

360 302.9-5. *Notification to the Oneida Business Committee.* Within twenty-four (24) hours of a
 361 declaration being made, the Emergency Core Decision Making Team shall provide notification of
 362 the declaration to the Oneida Business Committee.

363 302.9-6. *The Oneida Business Committee may modify, extend, or repeal any declaration or*
 364 *emergency action taken by the Emergency Core Decision Making Team.*

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302.10. Enforcement and Penalties

302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued thereunder, whether or not an emergency has been proclaimed.

302.10-2. Citations. An Oneida Police Department officer may issue a citation to any person who violates a provision of this law.

(a) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

(b) The Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this law.

(c) The Trial Court shall have jurisdiction over any action brought under this law.

302.10-3. Disciplinary Action. An employee of the Nation who violates this law during their work hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action in accordance with the Nation's laws and policies governing employment.

(a) An employee of the Nation who is disciplined under this law may appeal the disciplinary action in accordance with the Nation's laws and policies governing employment.

End.

Adopted - BC-07-15-98-A

Amended - BC-12-20-06-G

Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))

Amended- - BC-05-13-09-F

Emergency Amended – BC-03-17-20-E (COVID-19)

Extension of Emergency – BC-08-26-20-A

Amended – BC- - - -

Title 3. Health and Public Safety – Chapter 302
Yotlihokté Olihwá:ke
Matters that are concerning immediate attention
EMERGENCY MANAGEMENT

302.1. Purpose and Policy
302.2. Adoption, Amendment, Conflicts
302.3. Definitions
302.4. Emergency Management Department
302.5. Oneida Nation Emergency Planning Committee

302.6. Entity Cooperation
302.7. Public Health Emergencies
302.8. Proclamation of an Emergency
302.9. Emergency Core Decision Making Team
302.10. Enforcement and Penalties

302.1. Purpose and Policy

302.1-1. *Purpose.* The purpose of this law is to:

- (a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster;
- (b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations;
- (c) establish the use of the National Incident Management System (NIMS); and
- (d) designate authority and responsibilities for public health preparedness.

302.1-2. *Policy.* It is the policy of the Nation to provide:

- (a) a description of the emergency management network of the Nation;
- (b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of the Nation’s emergency response plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and
- (c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

302.2. Adoption, Amendment, Repeal

302.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-15-98-A and amended by resolution BC-12-20-06-G, BC-05-13-09-F, and BC-__-__-__-__.

302.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

302.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

302.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

302.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

302.3. Definitions

302.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Biological agent” means an infectious disease or toxin that has the ability to adversely affect human health in a variety of ways, from mild allergic reactions to serious medical conditions, and including death.

- 39 (b) “Communicable disease” means any disease transmitted from one person or animal to
40 another directly by contact with excreta or other discharges from the body, or indirectly via
41 substances or inanimate objects that may cause a public health emergency.
- 42 (c) “Community/Public Health Officer” means an agent of the Comprehensive Health
43 Division, or his or her designee(s), who is responsible for taking the appropriate actions in
44 order to prevent a public health emergency from occurring on the Reservation.
- 45 (d) “Comprehensive Health Division” means the Oneida Comprehensive Health Division,
46 which is authorized to issue compulsory vaccinations, require isolation, and quarantine
47 individuals in order to protect the public health.
- 48 (e) “Director” means the Director of the Nation’s Emergency Management Department.
- 49 (f) “Emergency” means a situation that poses an immediate risk to health, life, safety,
50 property, or environment which requires urgent intervention to prevent further illness,
51 injury, death, or other worsening of the situation.
- 52 (g) “Emergency Management Network” means the entities, volunteers, consultants,
53 contractors, outside agencies, and any other resources the Nation may use to facilitate inter-
54 agency collaboration, identify and share resources, and better prepare for local incidents
55 and large-scale disasters.
- 56 (h) “Emergency Response Plan” means the plan established to coordinate mitigation,
57 preparedness, response, and recovery activities for all emergency or disaster situations
58 within the Reservation.
- 59 (i) “Entity” means any agency, board, committee, commission, or department of the
60 Nation.
- 61 (j) “Fair Market Value” means the everyday cost of a product in an ordinary market,
62 absent of a disaster.
- 63 (k) “Isolation” means the separation of persons or animals presumably or actually infected
64 with a communicable disease, or that are disease carriers, for the usual period of
65 communicability of that disease in such places and under such conditions as will prevent
66 the direct or indirect transmission of an infectious agent to susceptible people or to those
67 who may spread the agent to others.
- 68 (l) “Nation” means the Oneida Nation.
- 69 (m) “National Incident Management System” or “NIMS” means the system mandated by
70 Homeland Security Presidential Directive 5 (HSPD 5) issued on February 28, 2003, that
71 provides a consistent nationwide approach for federal, state, local, and tribal governments
72 to work effectively and efficiently together to prepare for, prevent, respond to, and recover
73 from domestic incidents, regardless of cause, size, or complexity.
- 74 (n) “Oneida Nation Emergency Planning Committee” means the committee that assists the
75 Director in the implementation of this law.
- 76 (o) “Proclaim” means to announce officially and publicly.
- 77 (p) “Public Health Emergency” means the occurrence or imminent threat of an illness or
78 health condition which:
- 79 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
80 biological agent; and
- 81 (2) poses a high probability of any of the following:
- 82 (A) a large number of deaths or serious or long-term disability among
83 humans; or
- 84 (B) widespread exposure to a biological, chemical, or radiological agent

85 that creates a significant risk of substantial future harm to a large number of
86 people.

87 (q) “Quarantine” means the limitation of freedom of movement of persons or animals that
88 have been exposed to a communicable disease or chemical, biological, or radiological
89 agent, for a period of time equal to the longest usual incubation period of the disease or
90 until there is no risk of spreading the chemical, biological, or radiological agent. The
91 limitation of movement shall be in such manner as to prevent the spread of a communicable
92 disease or chemical, biological, or radiological agent.

93 (r) “Reservation” means all land within the exterior boundaries of the Reservation of the
94 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and
95 any lands added thereto pursuant to federal law.

96 (s) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
97 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
98 07-13-B, and then later authorized to administer the judicial authorities and responsibilities
99 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

100 (t) “Vital resources” means food, water, equipment, sand, wood, or other materials
101 obtained for the protection of life, property, and/or the environment during a proclaimed
102 emergency.

103

104 **302.4. Emergency Management Department**

105 302.4-1. The Emergency Management Department shall be responsible for planning and
106 coordinating the response to a disaster or emergency that occurs within the boundaries of the
107 Reservation.

108 302.4-2. *Authority of the Director.* The Director shall be responsible for coordinating and
109 planning the operational response to an emergency and is hereby empowered to:

110 (a) organize and coordinate efforts of the emergency management network of the Nation;

111 (b) implement the Emergency Response Plan as adopted by the Oneida Business
112 Committee;

113 (c) facilitate coordination and cooperation between entities and resolve questions that may
114 arise among them;

115 (d) incorporate the HSPD 5 which requires all federal, state, local, and tribal governments
116 to administer the best practices contained in the NIMS;

117 (e) coordinate the development and implementation of the NIMS within the Nation;

118 (f) ensure that the following occurs:

119 (1) an Emergency Response Plan is developed and maintained, and includes
120 training provisions for applicable personnel;

121 (2) emergency resources, equipment, and communications systems are developed,
122 procured, supplied, inventoried, and accounted for;

123 (g) establish the line of authority as recorded in the Emergency Response Plan as adopted
124 by the Oneida Business Committee; and

125 (h) enter into mutual aid and service agreements with tribal, local, state, and federal
126 governments, subject to Oneida Business Committee approval.

127 302.4-3. *Action when an Emergency is Proclaimed.* In addition, in the event of a proclamation of
128 an emergency on the Reservation, the Director is hereby empowered:

129 (a) to obtain vital resources and to bind the Nation for the fair market value thereof, upon
130 approval of the Emergency Management purchasing agent, who is identified in the
131 Emergency Response Plan. If a person or business refuses to provide the resource(s)

required, the Director may commandeer resources for public use and bind the Nation for the fair market value thereof. In the event the purchasing agent is unavailable, the chain of command, as approved by the Oneida Business Committee, shall be followed.

(b) to require emergency activities of as many members of the Nation and/or employees as deemed necessary.

(c) to execute all of the ordinary powers of the Director, all of the special powers conferred by this law or by resolution adopted pursuant thereto, all powers conferred on the Director by any agreement approved by the Oneida Business Committee, and to exercise complete emergency authority over the Reservation.

(d) to coordinate with tribal, federal, state, and local authorities.

302.5. Oneida Nation Emergency Planning Committee

302.5-1. The Oneida Nation Emergency Planning Committee shall consist of representatives from entities and a community representative as identified in the Oneida Nation Emergency Planning Committee bylaws as approved by the Oneida Business Committee.

302.5-2. The Oneida Nation Emergency Planning Committee shall meet as necessary to assist the Director in drafting and maintaining the Emergency Response Plan.

302.5-3. At the request of the Director, the Oneida Nation Emergency Planning Committee shall provide assistance to the Director in the implementation of the provisions of this law or any plan issued thereunder.

302.6. Entity Cooperation

302.6-1. All entities shall comply with reasonable requests from the Director relating to emergency planning, emergency operations, and federal mandate compliance.

302.6-2. The Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer.

302.7. Public Health Emergencies

302.7-1. In order to prevent a public health emergency, the Director and the Community/Public Health Officer shall take action to limit the spread of any communicable disease, in accordance with this law.

302.7-2. *Investigation of Communicable Disease.* If the Community/Public Health Officer suspects or is informed of the existence of any communicable disease, the Community/Public Health Officer shall investigate and make or cause examinations to be made, as are deemed necessary.

302.7-3. *Quarantinable Diseases.* The Community/Public Health Officer shall provide a list of quarantinable diseases specified in a resolution to be adopted by the Oneida Business Committee.

302.7-4. *Authority of the Community/Public Health Officer.* The Community/Public Health Officer shall act as necessary to protect the public including, but not limited to, the following actions:

(a) Request the Director to take the necessary steps to have a public health emergency proclaimed;

(b) Quarantine, isolate, or take other communicable disease control measures upon an individual(s); and

(c) Issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation.

179 302.7-5. *Quarantine and Isolation.* The Community/Public Health Officer shall immediately
 180 quarantine, isolate, and/or take other communicable disease control measures upon an individual
 181 if the Community/Public Health Officer receives a diagnostic report from a physician or a written
 182 or verbal notification from an individual or his or her parent or caretaker that gives the
 183 Community/Public Health Officer a reasonable belief that the individual has a communicable
 184 disease that is likely to cause a public health emergency.

185 (a) If an individual is infected with a communicable disease and the Community/Public
 186 Health Officer determines it is necessary to limit contact with the individual, all persons
 187 may be forbidden from being in direct contact with the infected individual, except for those
 188 persons having a special written permit from the Community/Public Health Officer.

189 (b) Any individual, including an authorized individual, who enters an isolation or
 190 quarantine premises may be subject to isolation or quarantine under this law.

191 (c) When the Community/Public Health Officer deems it necessary that an individual be
 192 quarantined, isolated, or otherwise restricted in a separate place, the Community/Public
 193 Health Officer shall have that individual removed to such a designated place, if it can be
 194 done without danger to the individual's health.

195 302.7-6. *Action when a Public Health Emergency is Proclaimed.* In addition, when a public health
 196 emergency is proclaimed, the Community/Public Health Officer may do all of the following, as
 197 necessary:

198 (a) organize the vaccination of individuals;

199 (1) The following types of individuals shall not be subject to a vaccination:

200 (A) an individual who the vaccination is reasonably likely to lead to serious
 201 harm to the individual; and

202 (B) an individual, for reason of religion or conscience, refuses to obtain the
 203 vaccination.

204 (b) isolate or quarantine individuals, including those who are unable or unwilling to receive
 205 a vaccination; and

206 (c) prevent any individual, except for those individuals authorized by the
 207 Community/Public Health Officer, from entering an isolation or quarantine premises.

208 302.7-7. The Oneida Police Department shall take enforcement action when necessary and work
 209 with the Community/Public Health Officer to execute the Community/Public Health Officer's
 210 orders and properly guard any place if quarantine, isolation, or other restrictions on communicable
 211 disease are violated or intent to violate becomes apparent.

212 302.7-8. Expenses for necessary medical care, food, and other articles needed for an infected
 213 individual shall be charged against the individual or whoever is liable for the individual's care and
 214 support.

215

216 **302.8. Proclamation of an Emergency**

217 302.8-1. *Proclamation of an Emergency.* The Oneida Business Committee shall be responsible
 218 for proclaiming or ratifying the existence of an emergency and for requesting a gubernatorial or
 219 presidential declaration.

220 (a) The Director may request that the Oneida Business Committee proclaim the existence
 221 of an emergency. The Oneida Business Committee may proclaim the existence of an
 222 emergency without a request from the Director, if warranted.

223 (b) In the event the Oneida Business Committee is unable to proclaim or ratify the
 224 existence of an emergency, the Director may proclaim an emergency which shall be in
 225 effect until such time the Oneida Business Committee can officially ratify this declaration.

226 302.8-2. No proclamation of an emergency by the Oneida Business Committee or the Director
 227 may last for longer than sixty (60) days, unless the proclamation of emergency is extended by the
 228 Oneida Business Committee.

229 302.8-3. *Management Network.* The emergency management network of the Reservation shall
 230 be as specified in the Emergency Response Plan, as adopted by the Oneida Business Committee.

231 302.8-4. *After-Action Report.* After an emergency has subsided, the Director shall prepare, or
 232 shall work in conjunction with the appropriate entity to prepare, an after-action report to be
 233 presented to the Oneida Business Committee, any interested entity, and the public. This report
 234 shall be presented to the required parties no later than sixty (60) days after the emergency has
 235 subsided, unless an extension is granted by the Oneida Business Committee.

236 302.8-5. During a proclaimed emergency, the Conservation Department shall be responsible for
 237 the care, disposal, and sheltering of all abandoned domestic animals and livestock. The
 238 Conservation Department may delegate this responsibility to a contracted agency.

239

240 **302.9. Emergency Core Decision Making Team**

241 302.9-1. *Emergency Core Decision Making Team.* Upon the proclamation of an emergency under
 242 this law, the Oneida Business Committee may establish an Emergency Core Decision Making
 243 Team through the adoption of a motion. The motion shall identify the positions of the Nation which
 244 shall make up the members of the Emergency Core Decision Making Team based on the type and
 245 severity of emergency the Nation is experiencing.

246 302.9-2. *Delegation of Authority.* The Emergency Core Decision Making Team shall have
 247 emergency authority to take the following actions:

248 (a) Notwithstanding any requirements of the Legislative Procedures Act, declare
 249 exceptions to the Nation's laws during the emergency period which will be of immediate
 250 impact for the purposes of protecting the health, safety, and general welfare of the Nation's
 251 community, members, and employees; and

252 (b) Notwithstanding any requirements in any policy, procedure, regulation, or standard
 253 operating procedures, declare exceptions to any policy, procedure, regulation, or standard
 254 operating procedure during the emergency period which will be of immediate impact for
 255 the purposes of protecting the health, safety, and general welfare of the Nation's
 256 community, members, and employees.

257 302.9-3. *Declarations.* All declarations made by the Emergency Core Decision Making Team
 258 shall:

- 259 (a) be written on the Nation's letterhead;
- 260 (b) provide the date the declaration was issued;
- 261 (c) contain a clear statement of the directives;
- 262 (d) provide the date the directive shall go into effect;
- 263 (e) be signed by the Oneida Business Committee Chairperson, or Vice Chairperson in the
 264 Chairperson's absence; and
- 265 (f) be posted on the Nation's website.

266 302.9-4. *Duration of Authority for Exceptions Declared by the Emergency Core Decision Making*
 267 *Team.* Any declaration made under the authority granted in this section shall be effective upon
 268 the date declared by the Emergency Core Decision Making Team and shall be effective for the
 269 duration of any proclaimed emergency, or for a shorter time period if identified.

270 302.9-5. *Notification to the Oneida Business Committee.* Within twenty-four (24) hours of a
 271 declaration being made, the Emergency Core Decision Making Team shall provide notification of
 272 the declaration to the Oneida Business Committee.

273 302.9-6. The Oneida Business Committee may modify, extend, or repeal any declaration or
 274 emergency action taken by the Emergency Core Decision Making Team.

275

276 **302.10. Enforcement and Penalties**

277 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,
 278 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued
 279 thereunder, whether or not an emergency has been proclaimed.

280 302.10-2. *Citations.* An Oneida Police Department officer may issue a citation to any person who
 281 violates a provision of this law.

282 (a) A citation for a violation of this law shall be processed in accordance with the procedure
 283 contained in the Nation's laws and policies governing citations.

284 (b) The Oneida Business Committee shall adopt through resolution a citation schedule
 285 which sets forth specific fine amounts for violations of this law.

286 (c) The Trial Court shall have jurisdiction over any action brought under this law.

287 302.10-3. *Disciplinary Action.* An employee of the Nation who violates this law during their work
 288 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action
 289 in accordance with the Nation's laws and policies governing employment.

290 (a) An employee of the Nation who is disciplined under this law may appeal the
 291 disciplinary action in accordance with the Nation's laws and policies governing
 292 employment.

293

294 *End.*

295

296 Adopted - BC-07-15-98-A

297 Amended - BC-12-20-06-G

298 Emergency Amended – BC-04-30-09-A (Influenza A (H1N1))

299 Amended - BC-05-13-09-F

300 Emergency Amended – BC-03-17-20-E (COVID-19)

301 Extension of Emergency – BC-08-26-20-A

302 Amended – BC-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer
 FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer
 DATE: February 12, 2021
 RE: **Fiscal Impact of the Emergency Management and Homeland Security Law**

I. Estimated Fiscal Impact Summary

Law: Boards, Committees, and Commissions Law Amendments		Draft 1
Implementing Agency	Community Public Health Officer and Emergency Management Department	
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	No fiscal impact	No fiscal impact

II. Background

A. Legislative History

This law was adopted by the Oneida Business Committee by resolution BC 07-15-98-A and amended by resolutions BC-12-20-06-G, BC-05-13-09-F.

B. Summary of Content

The amendment changes the title to Emergency Management Law; revises references to Oneida Community Health Services and Emergency Management Department; defines emergency; clarifies the Nation may implement more strict policies than those issued by the Community Public Health Officer and the Community Public Health Officer has the authority to issue any mandate, order, and/or restriction to limit the spread of any communicable disease to any individual or general population; clarify exemptions to the requirements for vaccines; extends the time period for a

proclamation of an emergency from thirty (30) days to sixty (60) days; delegates the authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team; delegates authority to the Emergency Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation; provide how the Emergency Core Decision Making Team will make declarations and the duration of authority for those declarations; require twenty-four (24) hour notification of the Oneida Business Committee of a declaration being made; clarify the authority of the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team; provides that citation issue for violation of this Law shall be process in accordance with the procedure contained in the Nation’s laws and policies governing citations; and provides the Oneida Business Committee shall adopt a resolution schedule with set forth specific fine amount for violations of this law through a resolution.

III. Methodology and Assumptions

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

IV. Agency

There are no startup, personnel, office or documentation costs associated with this legislation. The amendments will become effective 10 days from adoption.

V. Financial Impact

There is no financial impact of the amendments.

VI. Recommendation

Finance Department does not make a recommendation regarding course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this

legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Emergency Management Law Citation Schedule

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Emergency Management law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-07-15-98-A and amended by resolution BC-12-20-06-G, BC-05-13-09-F, and BC-__-__-__-__; and

WHEREAS, the purpose of the Law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness; and

WHEREAS, the Law provides that it shall be a violation of this law for any person to not comply with or willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued thereunder, whether or not an emergency has been proclaimed; and

WHEREAS, the Law allows an Oneida Police Department officer to issue a citation to any person who violates a provision of this law; and

WHEREAS, any citation issued for a violation of this Law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations; and

WHEREAS, the Trial Court shall have jurisdiction over any action brought under this law; and

WHEREAS, the Law delegates authority to the Oneida Business Committee to adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby sets forth the following citation schedule to be used for violations of the Emergency Management law:

Violation	Reference	1 st Offense	2 nd Offense
Failure to follow the Community/Public Health Officer’s directive to quarantine, isolate, or take other communicable disease control measures	302.7-4(b) 302.7-5	\$100	\$200

BC Resolution # _____
 Emergency Management Law Citation Schedule
 Page 2 of 2

Failure to comply with any mandate, order, or requirement issued by the Community/Public Health Officer which may limit the spread of any communicable disease	302.7-4(c)	\$100	\$200
Direct contact with an infected individual who the Community/Public Health Officer has prohibited contact with, without a special written permit from the Community/Public Health Officer	302.7-5(a)	\$100	\$200
Unauthorized entry into an isolation or quarantine premises	302.7-6(c)	\$100	\$200
Obstructing, hindering, or delaying the implementation or enforcement of a provision of this law or a plan issued under this law	302.10-1	\$100	\$200

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BE IT FINALLY RESOLVED, the Oneida Business Committee hereby adopts this resolution which shall become effective on March 17, 2021.



Statement of Effect
Emergency Management Law Citation Schedule

Summary

Through this resolution the Oneida Business Committee adopts a citation schedule for violations of the Emergency Management law.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office
Date: February 26, 2021

Analysis by the Legislative Reference Office

The Emergency Management law (“the Law”) was adopted 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 coordination with other agencies, victims, businesses, and organizations; establishing the use of the National Incident Management System; and designating authority and responsibilities for public health preparedness [3 O.C. 302.1-1].

The Law provides that it shall be a violation of this law for any person to not comply with or willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued thereunder, whether or not an emergency has been proclaimed. [3 O.C. 302.10-1]. An Oneida Police Department officer may issue a citation to any person who violates a provision of this law. [3 O.C. 302.10-2]. The Oneida Trial Court then has the jurisdiction to hear any action brought under this law. [3 O.C. 302.10-2(c)].

The Law delegates authority to the Oneida Business Committee to adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law. [3 O.C. 302.10-2(b)]. This resolution sets forth the citation schedule which includes the specific fine amounts for various violations of this Law. This resolution will become effective on March 17, 2021.

Conclusion

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



Legislative Operating Committee
March 3, 2021

Community Support Fund Law Amendments

Submission Date: 10/7/20	Public Meeting: Due to the COVID-19 pandemic, public meetings were suspended by declaration of the Nation’s COVID-19 Core Decision Making Team. A public comment period was still offered in accordance with the Legislative Procedures Act and held open until 1/13/20.
LOC Sponsor: David P. Jordan	Emergency Enacted: N/A

Summary: *On September 2, 20210, the Governmental Services Division Director, on behalf of Economic Support, submitted a request for amendments to be made to the Community Support Fund law to take the requirement for income verification out of the Law, since none of the Community Support Fund Law Rules review income as a basis for program eligibility. The request also identified various potential amendments to the Community Support Fund Law Rule Handbook.*

10/7/20 LOC: Motion by Jennifer Webster to add the Community Support Fund Law Amendments to the Active Files List with David Jordan as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

10/15/20: *Work Meeting.* Present: Clorissa N. Santiago, Delia Smith, Andrea Frayre, Margaret Kruse. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to read through the Community Support Fund law line by line and discuss any potential amendments that should be made to the law. The Administrative Rulemaking process was also discussed since the Economic Support Department will also be seeking amendments to the Community Support Fund Law Rule Handbook.

10/21/20: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Kristen Hooker, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the draft of suggested amendments by the Economic Support Department.

10/29/20: *Work Meeting.* Present: Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Delia Smith, Andrea Frayre, Margaret Kruse, Kristen Hooker, Rhiannon Metoxen, Kristal Hill, James Petitjean. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review with Economic Support issues that the LOC determined during the October 21, 2020, work meeting that they wanted more information and clarity on.

12/2/20 LOC: Motion by Jennifer Webster to accept the Community Support Fund law amendments draft and legislative analysis, and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.

12/2/20: *Work Meeting.* Present: Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Kristen Hooker, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to answer any questions the LOC may have had regarding the proposed amendments and legislative analysis since the drafting attorney was unable to attend the LOC meeting due to quarantine.

12/16/20 LOC: 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.

1/13/21: *Public Comment Period Closes.* One (1) submission of written comments was received during the public comment period.

1/20/21 LOC: Motion by Jennifer Webster to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.

1/20/21: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Marie Summers, Clorissa N. Santiago, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and consider the written comments that were received during the public comment period.

2/3/21 LOC: Motion by Jennifer Webster to accept the updated public comment review memorandum, draft law and legislative analysis; seconded by Marie Summers. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by February 17, 2021; seconded by Marie Summers. Motion carried unanimously.

2/23/21: *Fiscal Impact Statement Received.* The Finance Department provided the fiscal impact statement for the proposed amendments to the Community Support Fund law.

Next Steps:

- Approve the Community Support Fund law amendments adoption packet and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: Kirby Metoxen, LOC Vice-Chairperson *Kirby Metoxen*
DATE: March 10, 2021
RE: Amendments to the Community Support Fund Law

Please find the following attached backup documentation for your consideration of the amendments to the Community Support Fund law:

1. Resolution: Amendments to the Community Support Fund Law
2. Statement of Effect: Amendments to the Community Support Fund Law
3. Community Support Fund Law Legislative Analysis
4. Community Support Fund Law Amendments (Redline Draft)
5. Community Support Fund Law (Clean Draft)
6. Community Support Fund Law Fiscal Impact Statement

Overview

On October 7, 2020, the Legislative Operating Committee added the Community Support Fund law amendments to its Active Files List. The purpose of the Community Support Fund law is to assist the greatest number of members of the Nation who apply for financial assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1].

This resolution adopts amendments to the Community Support Fund law which will:

- Include a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund [1 O.C. 125.3-1(i)];
- Revise the definition of “immediate family” to better reflect Oneida families [1 O.C. 125.3-1(j)];
- Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund [1 O.C. 125.4-6(f)];
- Clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months [1 O.C. 125.6-1(l)];
- Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents [1 O.C. 125.6-2];
- Remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future [1 O.C. 125.6-2(b)];
- Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund [1 O.C. 125.6-3];

- Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides [1 O.C. 125.6-1(n), 125.6-4];
- Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund [1 O.C. 125.7-1(h)(l)(m)];
- Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application [1 O.C. 125.8-2];
- Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days [1 O.C. 125.8-5];
- Adjust the appeal process to reflect reorganization of the Governmental Services Division [1 O.C. 125.9]; and
- Make other minor drafting changes throughout the law for clarity.

The Legislative Operating Committee developed the proposed amendments to the Community Support Fund law through collaboration with representatives from the Nation's Economic Support Services Department.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the proposed amendments to the Community Support Fund law due to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding the COVID-19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended until March 13, 2021, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-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, BC-01-07-21-A, and BC-02-10-21-A.

On March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although no public meeting for the proposed amendments to the Community Support Fund law was held in person, the public comment period was still held open until January 13, 2021, for the submission of written comments. One (1) individual submitted written comments during the public comment period. All public comments received were reviewed and considered by the Legislative Operating Committee January 20, 2021.

Requested Action

Adopt the Resolution: Amendments to the Community Support Fund Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Amendments to the Community Support Fund Law

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- 4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6
- 7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
8
- 9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
11
- 12 **WHEREAS,** the Community Support Fund law (“the Law”) was adopted by the Oneida Business
13 Committee through BC-05-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-
14 11-13-D, BC-01-11-17-B; and
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- 16 **WHEREAS,** the purpose of the Law is to assist the greatest number of members of the Nation who
17 apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or
18 injury, or emergency event when no other resources for assistance exist; and
19
- 20 **WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the
21 Nation’s Economic Support Services Department to develop the amendments to the Law;
22 and
23
- 24 **WHEREAS,** the amendments to the Law Revise the definition of “immediate family” to better reflect
25 Oneida families; and
26
- 27 **WHEREAS,** the amendments to the Law include a definition for Fund Operator, which is the Economic
28 Support Services Department, or other department within the Governmental Services
29 Division designated authority over the operation of the Fund; and
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- 31 **WHEREAS,** the amendments to the Law include a public health emergency as a catastrophic event,
32 catastrophic illness or injury, or emergency event that qualifies an applicant for assistance
33 from the Fund; and
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- 35 **WHEREAS,** the amendments to the Law clarify that the Fund may only be used for the waiting period
36 for a Social Security Disability Determination rent and utility assistance up to a maximum
37 of twelve (12) months; and
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- 39 **WHEREAS,** the amendments to the Law remove the requirement that security deposit assistance only
40 be available to those members of the Nation who are Wisconsin residents; and
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- 42 **WHEREAS,** the amendments to the Law remove the requirement that the amount paid for a security
43 deposit be paid back to the Fund before another security deposit is issued in the future;
44 and
45

- 46 **WHEREAS,** the amendments to the Law clarify that an applicant must clarify that he or she applied to
47 his or her local Emergency Assistance Program prior to applying for utility assistance from
48 the Fund; and
49
- 50 **WHEREAS,** the amendments to the Law remove the requirement that funeral travel expenses are only
51 provided to arrange or attend a funeral for immediate family members outside the state
52 where the applicant resides; and
53
- 54 **WHEREAS,** the amendments to the Law clarify that lodging assistance due to homelessness or for any
55 other reason not related to a catastrophic event or emergency event, insurance
56 deductibles, and home renovations not related to handicap accessibility are not covered
57 by the Fund; and
58
- 59 **WHEREAS,** the amendments to the Law remove the requirement that an applicant provide all
60 household income the last thirty (30) business days immediately prior to the submission of
61 the application; and
62
- 63 **WHEREAS,** the amendments to the Law expand the time period for an applicant to submit an
64 application from thirty (30) days to forty-five (45) days; and
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- 66 **WHEREAS,** the amendments to the Law adjust the appeal process to reflect reorganization of the
67 Governmental Services Division; and
68
- 69 **WHEREAS,** the amendments to the Law make other minor drafting changes throughout the law for
70 clarity; and
71
- 72 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
73 statement were completed for the proposed amendments to the Law; and
74
- 75 **WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance
76 with the Legislative Procedures Act due to the COVID-19 pandemic; and
77
- 78 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
79 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
80 the Nation until April 12, 2020, which was then subsequently extended through March 13,
81 2021, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-
82 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-
83 12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A; and
84
- 85 **WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a
86 "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which
87 suspended the Legislative Procedures Act's requirement to hold a public meeting during
88 the public comment period, but allows members of the community to still participate in the
89 legislative process by submitting written comments, questions, data, or input on proposed
90 legislation to the Legislative Operating Committee via e-mail during the public comment
91 period; and
92
- 93 **WHEREAS,** although a public meeting was not held for the proposed amendments to this Law, the
94 public comment period for the amendments to this Law was held open until January 13,
95 2021, and one (1) submission of written comments were received during the public
96 comment period; and
97
- 98 **WHEREAS,** the Legislative Operating Committee reviewed and considered all public comments
99 received on January 20, 2021; and
100

101 **NOW THEREFORE BE IT RESOLVED**, that the amendments to the Community Support Fund law are
102 hereby adopted and shall become effective on March 24, 2021.

103
104 **BE IT FURTHER RESOLVED**, that the Economics Support Services Department shall develop
105 amendments to the Community Support Fund Law Rule Handbook in accordance with the Administrative
106 Rulemaking law to comply with the amendments to the Community Support Fund law.

107
108 **BE IT FINALLY RESOLVED**, that the amended Community Support Fund law hereby supersedes any
109 conflicting language that may be found in the Community Support Fund Law Rule Handbook until such a
110 time the Community Support Fund Law Rule Handbook is amended.

111



Statement of Effect

Amendments to the Community Support Fund Law

Summary

This resolution adopts amendments to the Community Support Fund law.

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

Date: February 26, 2021

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Community Support Fund law. The purpose of the Community Support Fund law is to assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1].

This resolution seeks permanent amendments to the Community Support Fund law which will:

- Include a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund [1 O.C. 125.3-1(i)];
- Revise the definition of “immediate family” to better reflect Oneida families [1 O.C. 125.3-1(j)];
- Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund [1 O.C. 125.4-6(f)];
- Clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months [1 O.C. 125.6-1(l)];
- Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents [1 O.C. 125.6-2];
- Remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future [1 O.C. 125.6-2(b)];
- Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund [1 O.C. 125.6-3];
- Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides [1 O.C. 125.6-1(n), 125.6-4];
- Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund [1 O.C. 125.7-1(h)(l)(m)];
- Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application [1 O.C. 125.8-2];

- Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days [1 O.C. 125.8-5];
- Adjust the appeal process to reflect reorganization of the Governmental Services Division [1 O.C. 125.9]; and
- Make other minor drafting changes throughout the law for clarity.

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA requires that for all proposed legislation both a legislative and fiscal analysis be developed. [1 O.C. 109.6 and 109.7]. The proposed amendments to the Community Support Fund law comply with these requirements.

The LPA also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the proposed amendments to the Community Support Fund law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until March 13, 2021, through the adoption of resolutions BC-03-28-20-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, BC-01-07-21-A, and BC-02-10-21-A.

On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which suspended the Legislative Procedures Act’s requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although a public meeting for the proposed amendments to the Community Support Fund law was not held, the public comment period was still held open until January 13, 2021. The Legislative Operating Committee reviewed and considered the public comments that were received on January 20, 2021.

Adoption of this resolution complies with the process and procedures of the LPA as it has been modified by the COVID-19 Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.

This resolution provides that the amendments to the Community Support Fund law would become effective on March 24, 2021, in accordance with the LPA. [1 O.C. 109.9-3].

The resolution also contains a directive that the Economics Support Services Department develop amendments to the Community Support Fund Law Rule Handbook in accordance with the Administrative Rulemaking law to comply with the amendments to the Community Support Fund law. The resolution clarifies that the amended Community Support Fund law hereby supersedes

any conflicting language that may be found in the Community Support Fund Law Rule Handbook until such a time the Community Support Fund Law Rule Handbook is amended.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws. Adoption of this resolution complies with the Legislative Procedures Act as it has been modified by the COVID-19 Core Decision Making Team's "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration.



AMENDMENTS TO THE COMMUNITY SUPPORT FUND LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Include a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund; ▪ Revise the definition of “immediate family” to better reflect Oneida families; ▪ Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund; ▪ Clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months; ▪ Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents; ▪ Remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future; ▪ Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund; ▪ Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides; ▪ Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund; ▪ Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application; ▪ Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days; and ▪ Adjust the appeal process to reflect reorganization of the Governmental Services Division.
Purpose	To assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. <i>[1 O.C. 125.1-1].</i>
Affected Entities	Economic Support Services Department
Public Meeting	A public comment period was held open until January 13, 2021. A public meeting was not held in accordance with the Nation’s COVID-19 Core Decision Making Team’s declaration titled, “ <i>Suspension of Public Meetings under the Legislative Procedures Act.</i> ”
Fiscal Impact	On February 23, 2021, the Finance Department provided a fiscal impact statement.

What is the Community Support Fund?

The Community Support Fund is a resource available to members of the Nation which provides financial assistance when a member of the Nation is experiencing a catastrophic event, catastrophic illness or injury, or emergency event. Examples of a catastrophic event, catastrophic illness or injury, or emergency event include:

- | | | |
|--------------------------------------|---------|--------------------------|
| -Death in the immediate family | -Fire | -Tornado |
| -Major medical surgery | -Cancer | -Flood |
| -Injury from motor vehicle accidents | -Stroke | -Public Health Emergency |

Assistance from the Community Support Fund is only available when there is no other financial assistance available, or all other assistance has been exhausted. The Community Support Fund is funded through tribal contribution and has a budget of approximately \$350,000. The Community Support Fund can be used to assist with the following types of expenses:

- | | | |
|--|--|--|
| -Rent or mortgage | -Utility payments | -Medical travel |
| -Funeral travel | -Prescription reimbursement | -Medical bills |
| -Dental related expenses | -Optical related expenses | -Inpatient treatment |
| -Security deposits | -Automobile repairs for medical travel | -Utility disconnections |
| -Family Medical Leave Act wage replacement | -Temporary shelter due to natural disaster | -Furnace & water heater repair and replacement |
| -Medical related equipment, supplies, or furniture | -Shelter during a Social Security Disability Determination | -COBRA insurance payments |

The Community Support Fund Law Rule Handbook provides more information on how a member of the Nation may qualify for each category of assistance of the Community Support Fund and the maximum amount of assistance provided for each category of assistance. The Community Support Fund Law Rule Handbook can be found online in the Oneida Code of Laws.

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A. *Background.*** The Community Support Fund law (“the Law”) was first adopted by the Oneida Business
- 3 Committee on May 15, 1996, for the purpose of assisting the greatest number of members of the Oneida
- 4 Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or
- 5 injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1].
- 6 **B.** The Law was most recently amended by the Oneida Business Committee on January 11, 2017, through
- 7 the adoption of resolution BC-01-11-17-B.
- 8 **C.** On September 2, 2020, the Governmental Services Division Director, on behalf of the Economic
- 9 Support Services Department, submitted a request for the Legislative Operating Committee to consider
- 10 amendments to the Law in an effort to expand the assistance available under the Fund to members of
- 11 the Nation. The Legislative Operating Committee added the Law to its Active Files List on October 7,
- 12 2020.
- 13

SECTION 3. CONSULTATION AND OUTREACH

- 14 **A.** Representatives from the following departments of the Nation participated in the development of
- 15 amendments to this Law and legislative analysis:
- 16

- 17 ▪ Economic Support Services Department.
18 **B.** The following laws were reviewed in the drafting of this analysis:
19 ▪ Administrative Rulemaking law; and
20 ▪ Rules of Appellate Procedure.
21

22 **SECTION 4. PROCESS**

- 23 **A.** The amendments to this Law have followed the process set forth in the Legislative Procedures Act.
- 24 ▪ On September 2, 2020, the Governmental Services Division Director, on behalf of the Economic
 - 25 Support Services Department, submitted a request for the Legislative Operating Committee to
 - 26 consider amendments to the Law.
 - 27 ▪ The LOC added the amendments to the Active Files List on October 7, 2020.
 - 28 ▪ A draft and legislative analysis for the Law was accepted by the LOC on December 2, 2020.
 - 29 ▪ On December 16, 2020, the LOC approved the public comment period packet and forwarded the
 - 30 proposed amendments to the Law to a public comment period to be held open until January 13,
 - 31 2021.
 - 32 ▪ The public comment period was held open until the close of business on January 13, 2021. One (1)
 - 33 submission of written comments was received.
 - 34 ▪ On January 20, 2021, the Legislative Operating Committee accepted the public comments and
 - 35 public comment review memorandum. The Legislative Operating Committee then reviewed and
 - 36 considered all the public comments that were received.
 - 37 ▪ On February 3, 2021, the Legislative Operating Committee approved the updated public comment
 - 38 review memorandum, final draft law and legislative analysis. The Legislative Operating Committee
 - 39 also directed the Finance Department to prepare a fiscal impact statement and provide it to the
 - 40 Legislative Operating Committee by February 17, 2021.
 - 41 ▪ On February 23, 2021 the Finance Department provided the fiscal impact statement to the
 - 42 Legislative Operating Committee.
- 43 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 44 regarding the development of these amendments:
- 45 ▪ October 15, 2020: Work meeting with Economic Support Services Department.
 - 46 ▪ October 21, 2020: Work meeting with LOC.
 - 47 ▪ October 29, 2020: Work meeting with LOC and Economic Support Services Department.
 - 48 ▪ December 2, 2020: Work meeting with LOC.
 - 49 ▪ January 20, 2021: Work meeting with LOC.
- 50 **C.** *COVID-19 Pandemic’s Effect on the Legislative Process.* The world is currently facing a pandemic
- 51 of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China
- 52 and has spread to many other countries throughout the world, including the United States. The COVID-
- 53 19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts
- 54 including effects on the stock market and the closing of all non-essential businesses. A public meeting
- 55 for the proposed amendments to this Law will not be held due to the COVID-19 pandemic, but the
- 56 submission of written comments will still be permitted.
- 57 ▪ *Declaration of a Public Health State of Emergency.*
 - 58 ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
 - 59 *of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State
 - 60 of Emergency for the Nation until April 12, 2020, and set into place the necessary authority

61 for action to be taken and allows the Nation to seek reimbursement of emergency
62 management actions that may result in unexpected expenses.

- 63 ▪ The Public Health State of Emergency has since been extended until March 13, 2021, by
64 the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-
65 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-
66 08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A.

- 67 ▪ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*

- 68 ▪ On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer*
69 *at Home*” declaration which ordered all individuals present within the Oneida Reservation
70 to stay at home or at their place of residence, with certain exceptions allowed. This
71 declaration prohibited all public gatherings of any number of people.
- 72 ▪ On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer*
73 *at Home*” declaration which allowed for gaming and golf operations to resume.
- 74 ▪ On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home*
75 *Declaration, Amendment, Open for Business*” which directs that individuals within the
76 Oneida Reservation should continue to stay at home, businesses can re-open under certain
77 safer business practices, and social distancing should be practiced by all persons.
- 78 ▪ On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at*
79 *Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration,*
80 *Amendment, Open for Business*” while still providing guidance and some restrictions. This
81 declaration prohibits all public and private gatherings of more than twenty (20) people that
82 are not part of a single household or living unit.
- 83 ▪ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”
84 which sets minimum standards for the safe re-opening of a building or recall of employees
85 to work.

- 86 ▪ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*
87 *Legislative Procedures Act.*

- 88 ▪ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a
89 “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which
90 suspended the Legislative Procedures Act’s requirement to hold a public meeting during
91 the public comment period, but allows members of the community to still participate in the
92 legislative process by submitting written comments, questions, data, or input on proposed
93 legislation to the Legislative Operating Committee via e-mail during the public comment
94 period.
- 95 ▪ Although a public meeting will not be held on the proposed amendments to the Community
96 Support Fund law, a public comment period was still held open until January 13, 2021, in
97 accordance with the Legislative Procedures Act and the COVID-19 Core Decision Making
98 Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.
99

100 **SECTION 5. CONTENTS OF THE LEGISLATION**

101 **A. *Definition for Immediate Family.*** The proposed amendments to the Law revise the definition for
102 “immediate family.” The Law now defines “immediate family” as an applicant’s husband, wife,
103 mother, father, son, daughter, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew,
104 cousin, and any of these relations attained through marriage or legal adoption, as well as a person who

105 has legal responsibility for the applicant, or a person the applicant has legal responsibility of. [1 O.C.
106 125.3-1(j)]. Previously, “immediate family” was defined as that group of persons who make up a
107 family unit normally defined as husband, wife, children, sister, brother, in-laws, step family,
108 grandparents and grandchildren, and/or a person who has legal responsibility for the applicant. The
109 term “immediate family” is most frequently used in the Law in reference to assistance for funeral travel
110 expenses.

- 111 ■ *Effect.* The proposed amendments expand the definition of immediate family to better reflect
112 familial relationships amongst members of the Nation. The Economic Support Services Department
113 made the recommendation to expand this definition based on requests for assistance that have been
114 submitted, in an effort to better meet the needs of members of the Nation.

115 **B. Public Health Emergency as a Qualification for Assistance.** The proposed amendments to the Law
116 now specify that a public health emergency is a type of catastrophic event or catastrophic illness or
117 injury which qualifies an applicant for assistance. [1 O.C. 125.4-6(f)]. The public health emergency
118 qualification is in addition to the following types of catastrophic events, and catastrophic illnesses or
119 injuries that were previously specified in the Law: terminally ill, physically challenged or incapacitated,
120 major medical surgery, life threatening, natural disaster, and death in immediate family. [1 O.C. 125.4-
121 6].

- 122 ■ *Effect.* The proposed amendment to the Law provides greater clarification that a public health
123 emergency does qualify as a type of catastrophic event or catastrophic illness or injury a person
124 may apply for assistance for. During the COVID-19 pandemic the Economic Support Services
125 Department did view the Nation’s declaration of a Public Health State of Emergency as an
126 emergency event that would qualify a person for assistance, but requested that the Law be clarified
127 to specify this.

128 **C. Utility and Rent Assistance during Waiting Period for a Social Security Disability Determination.**
129 The proposed amendments to the Law limit rent and utility assistance from the Fund during a waiting
130 period for a Social Security Disability Determination to a maximum period of twelve (12) months. [1
131 O.C. 125.6-1(l)]. Previously, the Law provided no limitation on how long a person may receive rent
132 and utility assistance during the waiting period for a Social Security Disability Determination.

- 133 ■ *Effect.* Due to the fact that the Fund is funded entirely by tribal contribution, the proposed
134 amendment to the Law limits the period of time a person may receive rent and utility assistance
135 during a waiting period for a Social Security Disability Determination in an effort to preserve the
136 Fund so assistance can be provided to a greater number of applicants.

137 **D. Security Deposit Assistance.** The proposed amendments to the Law remove the limitation that security
138 deposit assistance only be provided to members of the Nation who are residents of Wisconsin only. [1
139 O.C. 125.6-2]. The proposed amendments also remove the provision which states that security deposits
140 are non-transferable, and the requirement that the amount paid for a security deposit shall be paid back
141 to the Fund before another security deposit is issued at any time in the future. [1 O.C. 125.6-2(b)]. The
142 proposed amendments to the Law also remove the statement that multiple consecutive requests may be
143 made.

- 144 ■ *Effect.* The removal of the requirement that security deposit assistance only be provided to
145 members of the Nation that are residents of Wisconsin greatly expands who may be eligible to
146 apply for security deposit assistance. It was unknown to the Economic Support Services
147 Department why security deposit assistance was limited to residents of Wisconsin only, since that
148 was the only type of limitation that had a residency limitation.

- 149 **E. *Utilities Assistance.*** The proposed amendments to the Law added a provision which states that an
150 applicant shall demonstrate that he or she applied to his or her local Energy Assistance Program before
151 applying for assistance from the Fund. [1 O.C. 125.6-3]. Previously, the section of the Law on utilities
152 assistance did not mention this requirement, although the Law generally provided that applicants shall
153 first seek out other resources that can meet the needs of their request. [1 O.C. 125.4-5].
- 154 ■ *Effect.* The inclusion of the statement that an applicant has to demonstrate that he or she applied to
155 his or her local Energy Assistance Program before applying for the Fund provides further
156 clarification on how an applicant can meet the Law’s requirement of first seeking out other
157 resources that can meet the needs of their request.
- 158 **F. *Funeral Travel Expenses.*** The proposed amendments to the Law remove the requirement that
159 assistance to arrange or attend a funeral for immediate family members is only allowed when the travel
160 is outside the state where the applicant resides. [1 O.C. 125.6-1(n), 125.6-4].
- 161 ■ *Effect.* The proposed amendments to the Law expand the availability of assistance for funeral travel
162 expenses for members of the Nation. Instead of restricting assistance for funeral travel expenses to
163 outside the state where the applicant resides, the Economic Support Services Department provided
164 that the corresponding rule in the Community Support Fund Law Rule Handbook will include
165 minimum distance requirements that qualify a person for assistance. The Economic Support
166 Services Department made this recommendation based on the understanding that there may be great
167 distances within the state the applicant resides that would prevent the applicant from attending or
168 arranging a funeral if the applicant did not have access to assistance.
- 169 **G. *Items not Covered by the Fund.*** The proposed amendments to the Law specify additional expenses
170 that are not eligible for assistance from the Fund. [1 O.C. 125.7-1]. The proposed amendments to the
171 Law provide that lodging assistance due to homelessness or for any other reason not related to a
172 catastrophic event or emergency event, insurance deductibles, and home renovations not related to
173 handicap accessibility are not covered by the Fund. [1 O.C. 125.7-1(h)(l)(m)].
- 174 ■ *Effect.* The proposed amendments to the Law provide further clarification as to different expenses
175 that will not be eligible for assistance from the Fund. The Economic Support Services Department
176 requested that extra clarification be provided on expenses included in the proposed amendments
177 because they receive frequent requests for assistance for these expenses which are denied for not
178 meeting the qualifications for assistance from the Fund.
- 179 **H. *Verification of Household Income.*** The proposed amendments to the Law remove the requirement
180 that an applicant provide verification of all household income the last thirty (30) business days
181 immediately prior to the submission of the application. [1 O.C. 125.8-2].
- 182 ■ *Effect.* The proposed amendments to the Law remove the requirement to provide verification of all
183 household income because the Economic Support Services Department determined it was
184 unnecessary to require this information when there are no income requirements to qualify an
185 applicant for assistance from the Fund.
- 186 **I. *Time Period for Submission of Applications.*** The proposed amendments to the Law extend the time
187 period to submit an application for assistance to forty-five (45) days after a catastrophic event,
188 catastrophic illness or injury, or emergency event. [1 O.C. 125.8-5]. Previously, the Law required that
189 all applications for assistance be submitted within thirty (30) business days of a catastrophic event,
190 catastrophic illness or injury, or emergency event.
- 191 ■ *Effect.* The time period to submit an application for assistance from the Fund was extended an
192 additional fifteen (15) business days by the proposed amendments to the Law. The Legislative

193 Operating Committee proposed this amendment to the Law based on the understanding that when
194 a person is experiencing a catastrophic event, catastrophic illness or injury, or emergency event it
195 may be more difficult for the person to collect the necessary supporting documentation and submit
196 an application. The Legislative Operating Committee wanted to ensure that the Law provides grace
197 and flexibility to an applicant as they navigate through the catastrophic event, catastrophic illness
198 or injury, or emergency event.

199 **J. Appeals.** The proposed amendments to the Law adjust the appeal process to reflect the reorganization
200 of the Governmental Services Division. The Law provides that a person may appeal the decision of the
201 case manager to the director of the Fund Operator. [1 O.C. 125.9-2]. A person may then appeal the
202 decision of the Fund Operator to the Governmental Services Division Director. [1 O.C. 125.9-3]. And
203 a person then may further appeal the decision of the Governmental Services Division Director by filing
204 a complaint with the Trial Court. [1 O.C. 125.9-4]. Previously, the Law provided that an appeal of the
205 case manager’s decision could be made to the Program Director, which is the same as the Director of
206 the Fund Operator. An appeal of the Program Director’s decision could then be made to the Area
207 Manager. And then an appeal of the Area Manager’s decision could be made to the Oneida Court of
208 Appeals.

209 **Effect.** The proposed amendments to the Law amend the appeal process in two (2) ways. First, an
210 appeal of the Director of the Fund Operator’s decision can now be made to the Governmental
211 Services Division Director instead of the Area Manager as formally drafted because the
212 Governmental Services Division has been reorganized since the onset of the COVID-19 pandemic
213 and no longer has Area Managers. Second, an appeal of the Governmental Services Division
214 Director’s decision can be made by filing a complaint with the Trial Court. Previously, appeals
215 were made directly to the Oneida Court of Appeals. The Rules of Appellate Procedure provide that
216 any party to a civil action, who is aggrieved by a final judgment or order of the Trial Court or
217 original hearing body, may appeal to the Court of Appeals. [8 O.C. 805.5-1]. An original hearing
218 body is defined as the administrative agency decision-making panel which heard a contested case
219 under the Administrative Procedures Act, or similar law, and from which appeal is permitted by
220 law. [8 O.C. 805.3-1(s)]. Although the Law previously permitted appeals of the Area Manager to
221 be made directly to the Court of Appeals, the Area Manager was not an administrative agency
222 decision making panel which heard contested cases under the Administrative Procedures Act or
223 similar law, and therefore it is more appropriate for the appeal to be filed as a complaint with the
224 Trial Court instead of directly to the Court of Appeals.

225 **K. Minor Drafting Changes.** Minor drafting and formatting changes have been made throughout the
226 Law for clarity.
227

228 SECTION 6. EXISTING LEGISLATION

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

- 230 **Administrative Rulemaking law.** The Administrative Rulemaking law provides a process for the
231 adoption and amendments of administrative rules. [1 O.C. 106.1-1].
 - 232 **This Law provides that the Fund Operator shall promulgate rules for the administration of**
233 **the Fund which shall include the list of categories the Fund covers and a cap that sets the**
234 **amount of assistance per event/per household, except for funeral expenses which shall be set**
235 **per event/per person. [1 O.C. 125.4-1(a)(1)].**

- 236 ▪ This Law provides that the rules promulgated by the Fund Operator may include additional
 237 items not listed in section 125.6 of the Law, as long as the rule does not conflict with any
 238 provision of the Law. [1 O.C. 125.4-1(a)(2)].
 239

240 **SECTION 7. OTHER CONSIDERATIONS**

241 **A. Community Support Fund Law Rule Handbook.** The Law requires that the Fund Operator promulgate
 242 rules for the administration of the Fund which shall include the list of categories the Fund covers and a
 243 cap that sets the amount of assistance. [1 O.C. 125.4-1]. After amendments to the Law were adopted
 244 by the Oneida Business Committee through resolution BC-01-11-17-B, the Community Support Fund
 245 Law Rule Handbook was then adopted by the Oneida Business Committee on January 24, 2018. Upon
 246 the adoption of the proposed amendments to the Law the Economic Support Services Department will
 247 need to make amendments to the Community Support Fund Law Rule Handbook in accordance with
 248 the Administrative Rulemaking law. The amendments to the Community Support Fund Law Rule
 249 Handbook would make revisions necessary to comply with the Law and addresses additional revisions
 250 desired by the Economic Support Services Department.

- 251 ▪ *Conclusion.* It would be best practice for the Legislative Operating Committee to communicate
 252 and work with the Economic Support Services Department to ensure the certification and adoption
 253 of the Community Support Fund Law Rule Handbook amendments can coincide as closely as
 254 possible with the adoption of the amendments to the Community Support Fund law.

255 **B. Use of the Community Support Fund.** In an effort to provide a better understanding on how the
 256 Community Support Fund is utilized by the membership, the following information was provided by
 257 the Economic Support Services Department which demonstrates how many times a year the category
 258 of the Fund was utilized, as well as the total benefit amount provided for each category of the Fund
 259 from January 1, 2020 until November 1, 2020.

Category of Assistance from Community Support Fund	Times Fund Utilized in 2018	Times Fund Utilized in 2019	Times Fund Utilized in 2020	Total Benefit Amount Provided
Appliance Repair/Replacement	6	9	11	\$37,851.63
Auto Repairs	30	8	14	\$23,285.29
Catastrophic Rent	210	88	133	\$194,499.62
COBRA Insurance Payments	0	0	1	\$391.38
Dental Expenses	7	3	6	\$6,965.00
Fire Recovery/Natural Disaster	5	6	0	\$1,811.64
Funeral Travel	30	6	11	\$15,254.49
Home Renovations	1	0	0	\$200.00
Inpatient Treatment	1	2	3	\$15,735.80
Medical Bill Payments	47	25	20	\$115,864.17
Medical Travel	155	68	18	\$19,046.61
Medical Related Equipment/Service	10	2	16	\$21,539.77
Optical Expenses	9	2	3	\$2,084.50
Prescriptions	5	2	0	\$1,375.60
Security Deposit	19	9	9	\$16,630.00
SSD Determination Rent	88	63	18	\$68,283.36
SSD Determination Utility	27	25	4	\$5,643.56
Utilities	82	31	18	\$21,434.57

FMLA Wage Replacement	21	15	5	\$14,700.00
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260 *Data provided by the Economic Support Services Department on November 24, 2020.

261 **C. Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
 262 legislation except emergency legislation. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
 263 10-28-20-A titled, “Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures
 264 Act,” provides further clarification on who the Legislative Operating Committee may direct complete
 265 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
 266 completing the fiscal impact statement. On February 3, 2021, the LOC directed that a fiscal impact
 267 statement of the proposed amendments to the Law be completed by the Finance Department by
 268 February 17, 2021.

269 ▪ *Conclusion.* On February 23, 2021, the Finance Department provided a fiscal impact statement of
 270 the proposed amendments to the Law.

271

272

Title 1. Government and Finances – Chapter 125**COMMUNITY SUPPORT FUND****Kayaʔtakenhásla tsiʔ niyukwana:táya***It is helpful where our community lays*~~125.1. Purpose and Policy~~~~125.2. Adoption, Amendment, Repeal~~~~125.3. Definitions~~~~125.4. Responsibilities, Eligibility and Qualifications~~~~125.5. Priorities for Consideration~~~~125.6. Items Covered by the Fund~~~~125.7. Items not Covered by the Fund~~~~125.8. Application Requirements~~~~125.9. Appeal~~**COMMUNITY SUPPORT FUND**~~125.1. Purpose and Policy~~~~125.2. Adoption, Amendment, Repeal~~~~125.3. Definitions~~~~125.4. Responsibilities, Eligibility and Qualifications~~~~125.5. Priorities for Consideration~~~~125.6. Items Covered by the Fund~~~~125.7. Items not Covered by the Fund~~~~125.8. Application Requirements~~~~125.9. Decision and Appeal~~**1 125.1. Purpose and Policy**

2 125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the
3 ~~Oneida~~ Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic
4 ~~illness, or injury,~~ or emergency event when no other resources for assistance exist.

5 125.1-2. *Policy.* It is the policy of the ~~Oneida~~ Nation to assist ~~their~~its people in a time of need
6 after a catastrophic event, catastrophic illness, or injury, or emergency event, when there is no
7 other assistance available or all other assistance has been exhausted.

8 125.2. Adoption, Amendment, Repeal

9 125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-~~505~~-15-96-
10 A and amended by resolutions BC-01-08-97-G, BC-12-~~11~~-13-D-~~and,~~ BC-01-11-17-B- and BC-
11 - - -.

12 125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the
13 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
14 Act.

15 125.2-3. Should a provision of this law or the application thereof to any person or circumstances
16 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
17 to have legal force without the invalid portions.

18 125.2-4. In the event of a conflict between a provision of this law and a provision of another law,
19 the provisions of this law shall control.

20 125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

21 125.3. Definitions

22 125.3-1. This section shall govern the definitions of words and phrases used within this law. All
23 words not defined herein shall be used in their ordinary and everyday sense.

24 (a) “Applicant” means the subject of the application for assistance.

25 (b) “Business ~~days~~day” means Monday through Friday from 8:00 a.m. to 4:30 p.m.,
26 excluding ~~Nation~~-holidays- of the Nation.

27 (c) “Case manager” means an employee within the Fund Operator responsible for
28 administering Fund benefits.

29 (d) “Catastrophic event” means a natural or man-made incident, which results in
30 substantial damage or loss requiring major financial resources to repair or recover-~~(i.e.,~~
31 including, but not limited to, a house fire, tornado, flood, or other disaster)-.

34 (e) “Catastrophic illness or injury” means a serious debilitating illness, injury, impairment,
35 or physical or mental condition that involves:

36 (1) In-patient care;

37 (2) A period of continuing treatment due to a chronic serious health condition ~~(such~~
38 ~~as, including, but not limited to,~~ chemotherapy, radiation, dialysis, ~~and daily/ or~~
39 weekly therapy resulting from trauma, ~~etc.);~~;

40 (3) A period of illness or injury that is long-term due to a condition for which
41 treatment may be ineffective ~~(, including, but not limited to,~~ stroke, ~~or~~ terminal
42 disease, ~~etc.);~~; or

43 (4) Multiple treatments either for restorative surgery after an accident or other
44 injury, or for a chronic condition ~~(i.e., including, but not limited to,~~ cancer or
45 kidney disease~~);~~.

46 (f) “Emergency event” means a situation that poses an immediate risk to health, life,
47 safety, property, or environment. Emergencies require urgent intervention to prevent
48 further illness, injury, death, or other worsening of the situation.

49 (g) “Emergency medical travel” means an unexpected serious health situation or
50 occurrence, requiring the immediate presence of immediate family ~~(i.e., including, but~~
51 ~~not limited to,~~ end of life situation, ~~or~~ life support, ~~etc.);~~.

52 (h) “Fund” means the Community Support Fund.

53 (i) “Fund Operator” means the Economic Support Services Department, or other
54 department within the Governmental Services Division designated authority over the
55 operation of the Fund.

56 (j) “Immediate family” means ~~that group of persons who make up a family unit normally~~
57 ~~defined as an applicant’s~~ husband, wife, ~~children, sister, mother, father, son, daughter,~~
58 brother, ~~in laws, step family, grandparents~~ sister, grandparent, grandchild, aunt, uncle,
59 niece, nephew, cousin, and grandchildren, and/or a person any of these relations attained
60 through marriage or legal adoption, as well as a person who has legal responsibility for the
61 applicant, or a person the applicant has legal responsibility of.

62 (k) “Legal guardian” means a person who has the legal authority to care for the personal
63 and property interests of another person granted through Court order.

64 (l) “Legal responsibility” means specific duties imposed upon a person to care or provide
65 for another including liability for personal obligations as granted through a Power of
66 Attorney or Court order.

67 (m) “Major medical surgery” means a surgical procedure that carries a degree of risk to
68 the patient’s life, or the potential for severe disability if something goes wrong during
69 surgery. It is a surgical procedure that usually requires a patient to be put under general
70 anesthesia and given respiratory assistance because he or she cannot breathe independently.

71 (n) “Nation” means the Oneida Nation.

72 (o) “Public health emergency” means the occurrence or imminent threat of an illness or
73 health condition which:

74 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
75 biological agent; and

76 (2) poses a high probability of any of the following:

77 (A) a large number of deaths or serious or long-term disability among
78 humans; or

79 (B) widespread exposure to a biological, chemical, or radiological agent

80 that creates a significant risk of substantial future harm to a large number
81 of people.

82 (p) “Rule” means a set of requirements enacted in accordance with the Administrative
83 Rulemaking law.

84 ~~(o) “Tribal” means the Oneida Nation.~~

85 -
86 (q) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
87 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
88 07-13-B, and then later authorized to administer the judicial authorities and responsibilities
89 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

91 **125.4. Responsibilities, Eligibility and Qualifications**

92 125.4-1. ~~The Social Services Area of the Governmental Services Division shall be responsible~~
93 ~~for operation~~ Responsibilities of the Fund, but may designate Operator. The Fund Operator shall
94 have the following responsibilities in regard to the operation of the Fund ~~to~~;

95 ~~(a department within its control.~~

96 ~~(a) Administrative Rulemaking.~~ The ~~operators of the Fund Operator~~ shall promulgate
97 rules; for the administration of the Fund ~~that are consistent with this law. The rules, which:~~

98 (1) ~~shall include the list of categories the Fund covers and a cap that sets the~~
99 ~~amount of assistance per event/per household, except for funeral expenses which~~
100 ~~shall be set per event/per person;~~ and

101 (2) ~~may include additional items not listed in section 125.6, as long as the rule does~~
102 ~~not conflict with any provision of this law.~~

103 ~~(b) ———~~ (b) Communication and Education. The Fund Operator shall ensure that the
104 Nation’s membership is informed of what assistance is available through the Fund, how to
105 apply for assistance, and who is eligible for assistance.

106 125.4-2. Reporting Requirements. The Governmental Services Division Director shall report
107 quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the
108 amount of funds paid out under each category of the Fund.

109 ~~(c) The Social Services Area or designee shall ensure that the Nation’s membership is~~
110 ~~informed of what assistance is available through the Fund, how to apply for assistance, and~~
111 ~~who is eligible for assistance.~~

112 125.4-~~23~~. Eligibility for assistance provided under the Fund is reserved for enrolled members of
113 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of
114 the Nation, provided the requested funds will benefit the member only and the non-member has
115 one (1) of the following relationships to the applicant:

- 116 (a) Is a parent of the applicant;
- 117 (b) Is the legal guardian of the applicant; or
- 118 (c) Has legal responsibility for the applicant.

119 125.4-~~34~~. Residency within the state of Wisconsin is not a prerequisite for assistance, ~~except for~~
120 ~~requests for a security deposit in accordance with section 125.6-2~~ from the Fund.

121 125.4-~~45~~. The Fund is a fund of last resort and provides assistance when there is no other financial
122 assistance available or all other assistance has been exhausted. Applicants shall first seek out other
123 resources that can meet the needs of their request. ~~Proof of requesting assistance from other~~
124 ~~sources shall be provided with the application.~~

125 125.4-~~56~~. The following types of catastrophic events, and catastrophic illnesses or injuries qualify

126 an applicant for assistance:

- 127 (a) Terminally ill;
- 128 (b) Physically challenged or incapacitated;
- 129 (c) Major medical surgery;
- 130 (d) Life threatening ~~(i.e., including, but not limited to,~~ cancer, AIDS, stroke, and disabling
- 131 injuries due to motor vehicle accident~~, etc.);~~;
- 132 (e) ~~—~~ Natural disaster ~~(i.e., including, but not limited to,~~ tornado, fire, flood~~, etc.);~~;
- 133 (f) Public health emergency; and
- 134 (g) Death in immediate family as identified in section 125.6-1(n).

135 125.4-~~67~~. Assistance may be denied or limited for applicants who have elected not to be covered
136 by employer benefits such as disability or health insurance.

137 125.4-~~78~~. Except as otherwise provided in section 125.6-4, all payments shall be provided directly
138 to the service provider.

139 125.4-~~89~~. Assistance available under the Fund is subject to change according to fiscal year funding
140 levels.

141 125.4-~~910~~. Oneida programs and enterprises are not eligible for these funds.

142

143 **125.5. Priorities for Consideration**

144 125.5-1. The case manager shall determine the level of assistance to be provided based on:

- 145 (a) Severity of the catastrophic event, catastrophic illness, or injury, or emergency event;
- 146 (b) Cost ~~(, usual and customary fees);~~;
- 147 (c) Amount of time elapsed since the catastrophic event, catastrophic illness, or injury, or
148 emergency event occurred; and
- 149 (d) The Fund's appropriate promulgated rules.

150 125.5-2. The case manager shall assess each individual case, prioritize, and assist with immediate
151 needs. Priorities are as follows:

- 152 (a) Life-threatening emergency requests;
- 153 (b) Emergency medical travel; and
- 154 (c) Other needs.

155

156 **125.6. Items Covered by the Fund**

157 125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic
158 event, catastrophic illness, or injury, or emergency event. Upon verification of a catastrophic
159 event, catastrophic illness, or injury, or emergency event, the Fund may be used for the following:

- 160 (a) COBRA Insurance Payments;
- 161 (b) Prescriptions not available through an Indian Health Services clinic;
- 162 (c) Medical transportation ~~/ or~~ emergency medical travel including vehicle repairs;
- 163 (d) Medical-related equipment, supplies, or furniture;
- 164 (e) Medical bills ~~(, including~~ dental, optical, and hospital~~),~~ not covered by insurance;
- 165 (f) Mortgage payments and rent payments ~~(including security deposits);~~ where no other
166 resources exist ~~in accordance with section 125.6-2;~~
- 167 (g) Utility disconnections ~~in accordance with section 125.6-3;~~
- 168 (h) Inpatient Treatment ~~(, with a limit of once per lifetime);~~;
- 169 (i) Fire recovery ~~/ and~~ natural disaster assistance;
- 170 (j) Home renovations required for handicap accessibility;
- 171 (k) Family Medical Leave Act wage replacement;

172 (l) Waiting period for a Social Security Disability Determination rent and utility assistance
173 up to a maximum of twelve (12) months;

174 (m) Appliance repair for essential appliances ~~as defined in the rules which the Fund~~
175 ~~operator shall develop;~~ and/or

176 (n) Travel expenses to arrange or attend a funeral for immediate family members ~~outside~~
177 ~~the state where an applicant resides, in accordance with section 125.6-4.~~

178 125.6-2. ~~Security deposit~~Deposit. The Fund shall only provide assistance for a security deposit
179 when it is tied to or a result of a catastrophic event, catastrophic illness or injury, or emergency
180 event, on an emergency basis which shall include, but is not limited to, pending eviction and
181 homelessness. ~~Security deposit assistance is limited to Tribal members who are Wisconsin~~
182 ~~residents only.~~

183 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The
184 operators of the Fund shall not co-sign any lease.

185 ~~(b) Security deposits are non-transferable and the amount paid for a security deposit shall~~
186 ~~be paid back to the Fund before another security deposit is issued at any time in the future.~~

187 ~~(c)~~(b) Only one (1) request per household shall be considered; ~~multiple consecutive~~
188 ~~requests may be made.~~

189 125.6-3. *Utilities*. Assistance for the payment of utilities shall only be allowed once every two
190 (2) years by the person listed as responsible to pay with the utility company. ~~An applicant shall~~
191 ~~demonstrate that he or she applied to his or her local Energy Assistance Program before applying~~
192 ~~for assistance from the Fund.~~

193 125.6-4. ~~Funeral expenses~~Travel Expenses. An applicant may receive assistance with travel
194 expenses, up to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral
195 for immediate family members ~~outside the state where the applicant resides.~~ Unless the rules
196 allow for direct payment to the travel provider by the Fund Operator, such assistance is required
197 to be in the form of reimbursement, provided that mileage assistance shall always be in the form
198 of reimbursement.

200 **125.7. Items not Covered by the Fund**

201 125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event,
202 catastrophic illness, or injury, or emergency event as defined above. The following is a list of items
203 not covered by the Fund; however, this is not an exhaustive list:

204 (a) Car payments;

205 (b) Taxes;

206 (c) Credit card or charge accounts;

207 (d) Commercial loans;

208 (e) Defaults, or fines, or bankruptcy charges;

209 (f) Expenses not tied to basic needs ~~(such as~~ cable, internet, memberships, etc.); ;

210 (g) Legal fees, or court costs, or judgments;

211 ~~(h) Homeless lodging assistance;~~

212 (h) Lodging assistance due to homelessness, or for any other reason not related to a
213 catastrophic event or emergency event;

214 (i) Health membership fees;

215 (j) Food and personal care items;

216 (k) Stabilization rent assistance;

217 (l) Insurance deductibles;

218 ~~(m)~~ Home renovations not related to handicap accessibility; and
219 ~~(n)~~ Department of Corrections re-entry assistance.

220 125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the
221 following:

- 222 (a) The catastrophic event, catastrophic illness, or injury or emergency event is the result
223 of a violation of the law as proven by a citation or criminal conviction;
224 (b) The applicant or others in the household benefiting from assistance from the Fund are
225 non-compliant with the requirements of other Nation programs, policies or laws; and/or
226 (c) The applicant or others in the household benefiting from assistance from the Fund are
227 non-compliant with the requirements of the Fund.

228 125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall
229 provide an explanation of the decision in writing to the applicant with a copy placed in the
230 applicant's file.

231
232 **125.8. Application Requirements**

233 125.8-1. To be considered for assistance and before receiving assistance the applicant shall
234 complete the full application process. All applicants shall cooperate with the case manager to
235 assist the case manager in comprehensively addressing the needs of the applicant(s). Every
236 application shall contain a space for the applicant to identify a preferred method of contact. This
237 shall be the primary contact method. Case managers shall follow up every contact with written
238 correspondence, in order to make responses to the applicant in a timely manner so as to meet the
239 applicant's needs.

240 125.8-2. Supporting documentation is required in all cases. The applicant is responsible to
241 provide all documentation requested by the case manager. No assistance may be provided without
242 sufficient documentation of:

- 243 (a) The catastrophic event, catastrophic illness, or injury, or emergency event;
244 (b) Proof that the applicant sought assistance from other agencies with an explanation of
245 benefits received or refusal of assistance by the other agencies;
246 (c) Enrollment in the Nation; and
247 ~~(d) All household income the last thirty (30) business days immediately prior to the~~
248 ~~submission of the application; and~~
249 ~~(d)~~ Status of employment which shall include the following as applicable:
250 (1) Leave of absence paperwork;
251 (2) Balance of personal and vacation time accumulation; and
252 (3) Disability insurance or workmen's compensation coverage.

253 125.8-3. Documentation includes, but is not limited to:

- 254 (a) Medical reports;
255 (b) Bills or statements;
256 (c) Estimates;
257 (d) Letters;
258 (e) Police or fire reports;
259 (f) Obituary or formal notice of death;
260 (g) Check stubs;
261 (h) Pictures or photographs;
262 (i) Applications for assistance from other agencies; and/or
263 (j) Approval of assistance or denial of assistance letters from other agencies.

264 125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty
265 (30) business days.

266 (a) The case manager shall request additional information be provided when an application
267 contains insufficient information to make an informed decision.

268 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

269 (c) Failure to submit the requested information within the thirty (30) business days shall
270 result in closing the application file, with no further action taken in regard to that
271 application.

272 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file
273 being closed.

274 (e) After the file is closed, the applicant shall start the application process over again in
275 order to be considered for assistance from the Fund. However, no applicant may re-apply
276 for the same catastrophic event, catastrophic illness, or injury, or emergency event more
277 than the limit stated within this law or the Fund's rules.

278 125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed
279 ~~thirty (30)~~ forty-five (45) business days of a catastrophic event ~~or, catastrophic illness, or injury~~, or
280 emergency event. Applications made after ~~thirty (30)~~ forty-five (45) business days shall not be
281 considered.

282

283 **125.9. Decision and Appeal**

284 125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which
285 an initial decision is required following the submission of a complete application. Such timeline
286 shall include available extensions for circumstances wherein the applicant has a determination of
287 award ~~or~~ coverage pending with another support ~~or~~ assistance resource.

288 125.9-2. ~~Program Appeal to the Director~~ Appeal of the Fund Operator. An appeal of the case
289 manager's decision shall be requested in writing to the ~~Program Director~~ director of the Fund
290 Operator within ten (10) business days after receipt of notice of the initial decision. ~~Within ten~~
291 ~~(10) business days after receiving the appeal, the Program Director~~ The director of the Fund
292 Operator shall provide the applicant with notice of his or her decision on the matter ~~—~~ within ten
293 (10) business days after receiving the appeal.

294 125.9-3. ~~Area Manager Appeal~~ Appeal to the Governmental Services Division Director. An
295 appeal of the ~~Program Director's~~ of the director of the Fund Operator shall be requested
296 in writing to the ~~Area Manager~~ Governmental Services Division Director within ten (10) business
297 days after receipt of notice of the ~~Program Director's~~ director of the Fund Operator's decision.
298 ~~Within ten (10) business days after receiving the appeal, the Area Manager~~ The Governmental
299 Services Division Director shall provide the applicant with notice of his or her decision on the
300 matter ~~—~~ within ten (10) business days after receiving the appeal.

301 125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the ~~Area Manager to~~
302 ~~the Oneida Court of Appeals in accordance~~ Governmental Services Division Director by filing a
303 complaint with the ~~Rules of Appellate Procedure~~ Trial Court.

304

305 *End.*

Adopted - BC-~~505~~-15-96-A

Amended - BC-~~4~~ 801-08-97-G

Amended - BC-12-11-13-D

Amended - BC-01-11-17-B

Amended - BC- - - -

Title 1. Government and Finances – Chapter 125**Kayaʔtakenhásla tsiʔ niyukwana:táya***It is helpful where our community lays***COMMUNITY SUPPORT FUND**

125.1. Purpose and Policy

125.2. Adoption, Amendment, Repeal

125.3. Definitions

125.4. Responsibilities, Eligibility and Qualifications

125.5. Priorities for Consideration

125.6. Items Covered by the Fund

125.7. Items not Covered by the Fund

125.8. Application Requirements

125.9. Decision and Appeal

1 125.1. Purpose and Policy

2 125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the
3 Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness
4 or injury, or emergency event when no other resources for assistance exist.

5 125.1-2. *Policy.* It is the policy of the Nation to assist its people in a time of need after a
6 catastrophic event, catastrophic illness or injury, or emergency event, when there is no other
7 assistance available or all other assistance has been exhausted.

8 9 125.2. Adoption, Amendment, Repeal

10 125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-96-
11 A and amended by resolutions BC-01-08-97-G, BC-12-11-13-D, BC-01-11-17-B and BC-__-__-
12 __-__.

13 125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the
14 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
15 Act.

16 125.2-3. Should a provision of this law or the application thereof to any person or circumstances
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
18 to have legal force without the invalid portions.

19 125.2-4. In the event of a conflict between a provision of this law and a provision of another law,
20 the provisions of this law shall control.

21 125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

22 23 125.3. Definitions

24 125.3-1. This section shall govern the definitions of words and phrases used within this law. All
25 words not defined herein shall be used in their ordinary and everyday sense.

26 (a) “Applicant” means the subject of the application for assistance.

27 (b) “Business day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding
28 holidays of the Nation.

29 (c) “Case manager” means an employee within the Fund Operator responsible for
30 administering Fund benefits.

31 (d) “Catastrophic event” means a natural or man-made incident, which results in
32 substantial damage or loss requiring major financial resources to repair or recover,
33 including, but not limited to, a house fire, tornado, flood, or other disaster.

34 (e) “Catastrophic illness or injury” means a serious debilitating illness, injury, impairment,
35 or physical or mental condition that involves:

36 (1) In-patient care;

37 (2) A period of continuing treatment due to a chronic serious health condition,
38 including, but not limited to, chemotherapy, radiation, dialysis, and daily or weekly

- 39 therapy resulting from trauma;
- 40 (3) A period of illness or injury that is long-term due to a condition for which
- 41 treatment may be ineffective, including, but not limited to, stroke or terminal
- 42 disease; or
- 43 (4) Multiple treatments either for restorative surgery after an accident or other
- 44 injury, or for a chronic condition, including, but not limited to, cancer or kidney
- 45 disease.
- 46 (f) “Emergency event” means a situation that poses an immediate risk to health, life,
- 47 safety, property, or environment. Emergencies require urgent intervention to prevent
- 48 further illness, injury, death, or other worsening of the situation.
- 49 (g) “Emergency medical travel” means an unexpected serious health situation or
- 50 occurrence, requiring the immediate presence of immediate family, including, but not
- 51 limited to, end of life situation or life support.
- 52 (h) “Fund” means the Community Support Fund.
- 53 (i) “Fund Operator” means the Economic Support Services Department, or other
- 54 department within the Governmental Services Division designated authority over the
- 55 operation of the Fund.
- 56 (j) “Immediate family” means an applicant’s husband, wife, mother, father, son, daughter,
- 57 brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, cousin, and any of
- 58 these relations attained through marriage or legal adoption, as well as a person who has
- 59 legal responsibility for the applicant, or a person the applicant has legal responsibility of.
- 60 (k) “Legal guardian” means a person who has the legal authority to care for the personal
- 61 and property interests of another person granted through Court order.
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- 63 for another including liability for personal obligations as granted through a Power of
- 64 Attorney or Court order.
- 65 (m) “Major medical surgery” means a surgical procedure that carries a degree of risk to the
- 66 patient’s life, or the potential for severe disability if something goes wrong during surgery.
- 67 It is a surgical procedure that usually requires a patient to be put under general anesthesia
- 68 and given respiratory assistance because he or she cannot breathe independently.
- 69 (n) “Nation” means the Oneida Nation.
- 70 (o) “Public health emergency” means the occurrence or imminent threat of an illness or
- 71 health condition which:
- 72 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
- 73 biological agent; and
- 74 (2) poses a high probability of any of the following:
- 75 (A) a large number of deaths or serious or long-term disability among
- 76 humans; or
- 77 (B) widespread exposure to a biological, chemical, or radiological agent
- 78 that creates a significant risk of substantial future harm to a large number
- 79 of people.
- 80 (p) “Rule” means a set of requirements enacted in accordance with the Administrative
- 81 Rulemaking law.
- 82 (q) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
- 83 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
- 84 07-13-B, and then later authorized to administer the judicial authorities and responsibilities

85 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

86
87 **125.4. Responsibilities, Eligibility and Qualifications**

88 125.4-1. *Responsibilities of the Fund Operator.* The Fund Operator shall have the following
89 responsibilities in regard to the operation of the Fund:

90 (a) *Administrative Rulemaking.* The Fund Operator shall promulgate rules for the
91 administration of the Fund which:

92 (1) shall include the list of categories the Fund covers and a cap that sets the amount
93 of assistance per event/per household, except for funeral expenses which shall be
94 set per event/per person; and

95 (2) may include additional items not listed in section 125.6, as long as the rule does
96 not conflict with any provision of this law.

97 (b) *Communication and Education.* The Fund Operator shall ensure that the Nation's
98 membership is informed of what assistance is available through the Fund, how to apply for
99 assistance, and who is eligible for assistance.

100 125.4-2. *Reporting Requirements.* The Governmental Services Division Director shall report
101 quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the
102 amount of funds paid out under each category of the Fund.

103 125.4-3. Eligibility for assistance provided under the Fund is reserved for enrolled members of
104 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of
105 the Nation, provided the requested funds will benefit the member only and the non-member has
106 one (1) of the following relationships to the applicant:

107 (a) Is a parent of the applicant;

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111 Fund.

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113 assistance available or all other assistance has been exhausted. Applicants shall first seek out other
114 resources that can meet the needs of their request. Proof of requesting assistance from other sources
115 shall be provided with the application.

116 125.4-6. The following types of catastrophic events, and catastrophic illnesses or injuries qualify
117 an applicant for assistance:

118 (a) Terminally ill;

119 (b) Physically challenged or incapacitated;

120 (c) Major medical surgery;

121 (d) Life threatening, including, but not limited to, cancer, AIDS, stroke, and disabling
122 injuries due to motor vehicle accident;

123 (e) Natural disaster, including, but not limited to, tornado, fire, flood;

124 (f) Public health emergency; and

125 (g) Death in immediate family.

126 125.4-7. Assistance may be denied or limited for applicants who have elected not to be covered
127 by employer benefits such as disability or health insurance.

128 125.4-8. Except as otherwise provided in section 125.6-4, all payments shall be provided directly
129 to the service provider.

130 125.4-9. Assistance available under the Fund is subject to change according to fiscal year funding

131 levels.

132 125.4-10. Oneida programs and enterprises are not eligible for these funds.

133

134 **125.5. Priorities for Consideration**

135 125.5-1. The case manager shall determine the level of assistance to be provided based on:

136 (a) Severity of the catastrophic event, catastrophic illness or injury, or emergency event;

137 (b) Cost, usual and customary fees;

138 (c) Amount of time elapsed since the catastrophic event, catastrophic illness or injury, or
139 emergency event occurred; and

140 (d) The Fund's appropriate promulgated rules.

141 125.5-2. The case manager shall assess each individual case, prioritize, and assist with immediate
142 needs. Priorities are as follows:

143 (a) Life-threatening emergency requests;

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149 event, catastrophic illness or injury, or emergency event. Upon verification of a catastrophic event,
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151 (a) COBRA Insurance Payments;

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153 (c) Medical transportation or emergency medical travel including vehicle repairs;

154 (d) Medical-related equipment, supplies, or furniture;

155 (e) Medical bills, including dental, optical, and hospital, not covered by insurance;

156 (f) Mortgage payments and rent payments including security deposits, where no other
157 resources exist;

158 (g) Utility disconnections;

159 (h) Inpatient Treatment, with a limit of once per lifetime;

160 (i) Fire recovery and natural disaster assistance;

161 (j) Home renovations required for handicap accessibility;

162 (k) Family Medical Leave Act wage replacement;

163 (l) Waiting period for a Social Security Disability Determination rent and utility assistance
164 up to a maximum of twelve (12) months;

165 (m) Appliance repair for essential appliances; and/or

166 (n) Travel expenses to arrange or attend a funeral for immediate family members.

167 125.6-2. *Security Deposit.* The Fund shall only provide assistance for a security deposit when it
168 is tied to or a result of a catastrophic event, catastrophic illness or injury, or emergency event, on
169 an emergency basis which shall include, but is not limited to, pending eviction and homelessness.

170 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The
171 operators of the Fund shall not co-sign any lease.

172 (b) Only one (1) request per household shall be considered.

173 125.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two
174 (2) years by the person listed as responsible to pay with the utility company. An applicant shall
175 demonstrate that he or she applied to his or her local Energy Assistance Program before applying
176 for assistance from the Fund.

177 125.6-4. *Funeral Travel Expenses.* An applicant may receive assistance with travel expenses, up
178 to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral for immediate
179 family members. Unless the rules allow for direct payment to the travel provider by the Fund
180 Operator, such assistance is required to be in the form of reimbursement, provided that mileage
181 assistance shall always be in the form of reimbursement.
182

183 **125.7. Items not Covered by the Fund**

184 125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event,
185 catastrophic illness or injury, or emergency event as defined above. The following is a list of items
186 not covered by the Fund; however, this is not an exhaustive list:

- 187 (a) Car payments;
- 188 (b) Taxes;
- 189 (c) Credit card or charge accounts;
- 190 (d) Commercial loans;
- 191 (e) Defaults, fines, or bankruptcy charges;
- 192 (f) Expenses not tied to basic needs such as cable, internet, memberships, etc.;
- 193 (g) Legal fees, court costs, judgments;
- 194 (h) Lodging assistance due to homelessness, or for any other reason not related to a
195 catastrophic event or emergency event;
- 196 (i) Health membership fees;
- 197 (j) Food and personal care items;
- 198 (k) Stabilization rent assistance;
- 199 (l) Insurance deductibles;
- 200 (m) Home renovations not related to handicap accessibility; and
- 201 (n) Department of Corrections re-entry assistance.

202 125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the
203 following:

- 204 (a) The catastrophic event, catastrophic illness or injury or emergency event is the result
205 of a violation of the law as proven by a citation or criminal conviction;
- 206 (b) The applicant or others in the household benefiting from assistance from the Fund are
207 non-compliant with the requirements of other Nation programs, policies or laws; and/or
- 208 (c) The applicant or others in the household benefiting from assistance from the Fund are
209 non-compliant with the requirements of the Fund.

210 125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall
211 provide an explanation of the decision in writing to the applicant with a copy placed in the
212 applicant's file.
213

214 **125.8. Application Requirements**

215 125.8-1. To be considered for assistance and before receiving assistance the applicant shall
216 complete the full application process. All applicants shall cooperate with the case manager to
217 assist the case manager in comprehensively addressing the needs of the applicant(s). Every
218 application shall contain a space for the applicant to identify a preferred method of contact. This
219 shall be the primary contact method. Case managers shall follow up every contact with written
220 correspondence, in order to make responses to the applicant in a timely manner so as to meet the
221 applicant's needs.

222 125.8-2. Supporting documentation is required in all cases. The applicant is responsible to

223 provide all documentation requested by the case manager. No assistance may be provided without
224 sufficient documentation of:

- 225 (a) The catastrophic event, catastrophic illness or injury, or emergency event;
- 226 (b) Proof that the applicant sought assistance from other agencies with an explanation of
227 benefits received or refusal of assistance by the other agencies;
- 228 (c) Enrollment in the Nation; and
- 229 (d) Status of employment which shall include the following as applicable:
 - 230 (1) Leave of absence paperwork;
 - 231 (2) Balance of personal and vacation time accumulation; and
 - 232 (3) Disability insurance or workmen's compensation coverage.

233 125.8-3. Documentation includes, but is not limited to:

- 234 (a) Medical reports;
- 235 (b) Bills or statements;
- 236 (c) Estimates;
- 237 (d) Letters;
- 238 (e) Police or fire reports;
- 239 (f) Obituary or formal notice of death;
- 240 (g) Check stubs;
- 241 (h) Pictures or photographs;
- 242 (i) Applications for assistance from other agencies; and/or
- 243 (j) Approval of assistance or denial of assistance letters from other agencies.

244 125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty
245 (30) business days.

- 246 (a) The case manager shall request additional information be provided when an application
247 contains insufficient information to make an informed decision.
- 248 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.
- 249 (c) Failure to submit the requested information within the thirty (30) business days shall
250 result in closing the application file, with no further action taken in regard to that
251 application.
- 252 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file
253 being closed.
- 254 (e) After the file is closed, the applicant shall start the application process over again in
255 order to be considered for assistance from the Fund. However, no applicant may re-apply
256 for the same catastrophic event, catastrophic illness or injury, or emergency event more
257 than the limit stated within this law or the Fund's rules.

258 125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed
259 forty-five (45) business days of a catastrophic event, catastrophic illness or injury, or emergency
260 event. Applications made after forty-five (45) business days shall not be considered.

261

262 **125.9. Decision and Appeal**

263 125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which
264 an initial decision is required following the submission of a complete application. Such timeline
265 shall include available extensions for circumstances wherein the applicant has a determination of
266 award or coverage pending with another support or assistance resource.

267 125.9-2. *Appeal to the Director of the Fund Operator.* An appeal of the case manager’s decision
268 shall be requested in writing to the director of the Fund Operator within ten (10) business days
269 after receipt of notice of the initial decision. The director of the Fund Operator shall provide the
270 applicant with notice of his or her decision on the matter within ten (10) business days after
271 receiving the appeal.

272 125.9-3. *Appeal to the Governmental Services Division Director.* An appeal of the decision of
273 the director of the Fund Operator shall be requested in writing to the Governmental Services
274 Division Director within ten (10) business days after receipt of notice of the director of the Fund
275 Operator’s decision. The Governmental Services Division Director shall provide the applicant
276 with notice of his or her decision on the matter within ten (10) business days after receiving the
277 appeal.

278 125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the Governmental
279 Services Division Director by filing a complaint with the Trial Court.

280
281 *End.*

Adopted - BC-05-15-96-A
Amended - BC-01-08-97-G
Amended - BC-12-11-13-D
Amended - BC-01-11-17-B
Amended – BC-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer
 FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer
 DATE: February 23, 2021
 RE: **Fiscal Impact of the Community Support Law**

I. Estimated Fiscal Impact Summary

Law: Boards, Committees, and Commissions Law Amendments		Draft 2
Implementing Agency	Economic Support Services Department	
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$298,252- \$630,378	\$2,982,520 - \$6,303,780

II. Background

A. Legislative History

This law was adopted by the Oneida Business Committee by resolution BC 05-15-96 A and amended by resolutions BC-01-08-97-G, BC-12-11-13D, and BC-01-11-17-B.

B. Summary of Content

The amendment to the Community Support Law proposed changes include:

- Providing a definition for Fund Operator;
- Revise the definition of “immediate family” to better reflect Oneida families;
- Include public health emergency as a catastrophic event;
- Clarify the fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months;

- Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents;
- Remove the requirement that the amount paid for a security deposit be paid back to the fund before another security deposit is issued in the future;
- Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund;
- Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides;
- Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund;
- Remove the requirement that an applicant provide all household income the last thirty (30) business days;
- Expand the time-period for an applicant to submit an application to forty-five (45) day; and
- Adjust the appeal process to align with the Governmental Services Division process.

III. Methodology and Assumptions

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

IV. Agency

There are no startup, personnel, office or documentation costs associated with this legislation. The amendments will become effective 10 days from adoption.

V. Financial Impact

The amendments to the law expand upon the services currently provided within the Community Support Law. The services provided by the Community Support Law are catastrophic or emergency in nature making it difficult to estimate or use trending to determine potential future impacts.

The Economic Support Department identified the ten-year historical trending for the Community Support Law services to range between \$137,541 at the low end to \$630,376 at the high end. The level of demand in each year is independent of the law and is dependent on external factors the Nation is unable to control.

Utilizing the historical trending as a basis for a fiscal impact, we can extrapolate the impact to be at a the low-end an amount greater than \$137,541 and at the high-end an amount greater than \$630,376. Utilizing the mid-point of the range, the estimated annual impact of the law is an amount somewhere between \$298,252 and \$630,376 per year. The ten-year impact would be an amount estimated within the range of \$2,982,520 and \$6,303,760.

VI. Recommendation

Finance Department does not make a recommendation regarding course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.



Legislative Operating Committee
March 3, 2021

Oneida Trust Enrollment Committee Bylaws Amendments

Submission Date: 12/15/15	Public Meeting: n/a
LOC Sponsor: Kirby Metoxen	Emergency Enacted: n/a Expires: n/a

Summary: *This item was carried over from the previous two terms. In December of 2015, a member of the Nation requested amendments to the Oneida Trust Enrollment Committee's bylaws that would remove certain language therefrom and the Committee itself requested amendments to its bylaws in the form of updates. Both requests were put on hold pending the adoption of the amendments to the Boards, Committees and Commissions law, which were adopted in September of 2018. Following adoption of the amendments to the law, the Legislative Operating Committee began working with the Oneida Trust Enrollment Committee to amend its bylaws to comply with the new requirements of the law. Prior to presenting draft amendments to the Oneida Business Committee for consideration, the OBC granted the Oneida Trust Enrollment Committee a deferment in getting its bylaws updated to comply with the new Boards, Committees and Commissions law.*

10/7/20 LOC: Motion by Jennifer Webster to add the Oneida Trust Enrollment Committee Bylaws Amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Marie Summers. Motion carried unanimously.

1/6/21: *Work Meeting.* Present: David Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman-King, Marie Summers, Clorissa Santiago, Kristen Hooker, Kristal Hill, Rhiannon Metoxen. This work meeting was held through Microsoft Teams. The purpose of this meeting was to go through the proposed amendments to the Oneida Trust Enrollment Committee's bylaws. The next step is for the drafting attorney to: (1) schedule a meeting with members from the Law Office, OTEC and LOC to discuss the matter of a BC member sitting as a voting member of the OTEC; and (2) finalize the amendments and send them off to the OTEC for review/consideration, with the understanding that if the OTEC does not respond within a reasonable amount of time, the draft amendments will be placed on the LOC agenda for approval to move forward to the Oneida Business Committee for possible adoption.

1/15/21: *Work Meeting.* Present: David Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman-King, Marie Summers, Carl Artman, Keith Doxtator, Clorissa Santiago, Kristen Hooker. This work meeting was held through Microsoft Teams. The purpose of this meeting was to discuss the inclusion of an Oneida Business Committee member on the Oneida Trust Enrollment Committee ("OTEC") as a voting member and the legal implications if such requirement were removed from OTEC's bylaws or revised in some manner.

Next Steps:

- Accept the Oneida Trust Enrollment Committee Bylaws Amendments and Legislative Analysis.
- Forward the Oneida Trust Enrollment Committee Bylaws Amendments to the Oneida Business Committee for consideration.

ONEIDA TRUST ENROLLMENT COMMITTEE (OTEC) BYLAWS

Article I. Authority

1-1. *Name.* The name of this entity shall be the Oneida Trust Enrollment Committee and may be referred to as the OTEC.

1-2. *Establishment.* The OTEC was established by the Oneida General Tribal Council (“GTC”) through resolution GTC-4-28-74 titled, *GTC Establishment of Trust Committee to be Responsible for Administration and Disposition of Trust Monies with \$1,000,000 Maintained for Developmental Purposes and not Dissolved Through Per Capita Distributions.*

1-3. *Authority.*

(a) *Purpose.* The OTEC was created by the GTC to be responsible for all aspects of the Nation’s Tribal enrollment and trust assets. The OTEC is delegated the authority established through the laws, policies, rules and resolutions of the Nation, including, but not limited to, the following as may be amended from time-to-time:

- (1) Resolution GTC-1-8-77-C;
- (2) The Nation’s Membership Ordinance;
- (3) The Oneida Trust Enrollment Committee and Oneida Business Committee Memorandum of Agreement dated February 27, 2019 (“MOA”);
- (4) The Nation’s Per Capita law;
- (5) The Nation’s Endowments law;
- (6) The General Tribal Council Meeting Stipend Payment Policy; and
- (7) Any additional authority delegated to the OTEC through other laws, policies, rules, resolutions and/or applicable trust agreements/plans of the Nation.

(b) *Powers and Duties.* The OTEC shall have the power to carry out, including, but not limited to, the following duties:

- (1) Administer the Emigrant New York Indian Claims Award Docket 75 Trust Fund known as Elderly Per Capita; Higher Education and General Welfare Trust f/k/a the Elderly Per Capita Payment Distribution Fund; and the Oneida Trust Scholarship Fund;
- (2) Oversee the management of the Trust Enrollment Department;
- (3) Administer membership distributions;
- (4) Administer the Minors Per Capita Trust Funds;
- (5) Administer the Language Revitalization Fund;
- (6) Administer the Oneida Life Insurance Plan Plus (“OLIPP”) and oversee the OLIPP benefit;
- (7) Administer endowments;
- (8) Monitor funds held in the name of the Oneida Nation at the Bureau of Indian Affairs;

- 45 (9) Maintain the official roll of the Oneida Nation by carrying out all
46 enrollment duties in accordance with the Membership Ordinance, as
47 well as any other rules/resolutions related thereto;
48 (10) Report to the Oneida General Tribal Council semiannually;
49 (11) Develop policies relating to trust funds and enrollments for adoption
50 by the Oneida Business Committee and/or Oneida General Tribal
51 Council; and
52 (12) Carry out any further or additional duties established through the
53 laws, policies, rules and resolutions of the Nation.
54

55 1-4. *Office.* The official mailing address of the OTEC shall be:
56 Oneida Trust Enrollment Committee
57 P.O. Box 365
58 Oneida, WI 54155
59

60 1-5. *Membership.*

- 61 (a) *Number of Members.* The OTEC shall be composed of nine (9) members,
62 one (1) of whom shall be the Nation's Treasurer.
63 (b) *Elected.* OTEC members shall be elected in accordance with the Nation's
64 election laws and/or policies for three (3) year staggered terms.
65 (1) Members shall hold office until their term expires, they resign, or
66 they are removed/terminated from office.
67 (A) A member whose term has expired shall remain in office
68 until his or her successor is sworn in by the Oneida Business
69 Committee.
70 (B) A member may resign at any time verbally during an OTEC
71 meeting or by delivering written notice to the Business
72 Committee Support Office and the OTEC Chairperson or
73 Chairperson's designee.
74 (i) The resignation is deemed effective upon acceptance
75 by OTEC motion of a member's verbal resignation
76 or upon delivery of the written notices.
77 (c) *Vacancies.* Vacancies on the OTEC shall be filled as follows:
78 (1) *Expired Terms.* Vacancies caused by the expiration of a member's
79 term shall be filled by election in accordance with the laws and/or
80 policies of the Nation governing elections.
81 (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by
82 appointment by the Oneida Business Committee pursuant to the
83 Boards, Committees and Commissions law for the remainder of the
84 unexpired term.
85 (A) The OTEC Chairperson shall provide the Oneida Business
86 Committee with recommendations on all applications for
87 appointment to fill a vacancy of an unexpired term per the
88 process set by the Boards, Committees and Commissions
89 law.

(B) The Chairperson's recommendation shall be decided by majority vote of the members present at an OTEC meeting of an established quorum.

(d) *Qualifications of Members.* Each OTEC member shall be:

- (1) An enrolled member of the Nation;
- (2) A resident of Brown or Outagamie County;
- (3) At least eighteen (18) years of age; and
- (4) Able to obtain a fiduciary bond.

1-6. *Termination or Removal.* An OTEC member found to be in violation of these bylaws, or any other governing laws of the Nation, may be subject to the following:

- (a) If the member was elected, the OTEC's filing of a petition for his or her removal in accordance with the Removal law and/or any other law of the Nation governing the removal of elected officials.
- (b) If the member was appointed, the OTEC's submission of a recommendation to the Oneida Business Committee for termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other law of the Nation governing the termination of appointed officials.
- (c) The filing of a petition for removal or submission of a recommendation for termination shall be decided by majority vote of the members present at an OTEC meeting of an established quorum.

1-7. *Trainings and Conferences.* The following trainings/conferences shall be mandatory for members of the OTEC to attend as determined by a majority vote of the members present at an OTEC meeting of an established quorum:

- (a) OTEC Orientation;
- (b) Trainings/conferences relating to investing, financing, administration and fiduciary duties applicable to their positions on the OTEC;
- (c) Trainings/conferences on the Nation's Legislative Procedures Act; the laws/policies governing the OTEC; and the various trust/departmental guidelines, as well as standard operating procedures, that apply to the OTEC; and
- (d) Any additional training as needed to fulfill expectations outlined in these bylaws.
- (e) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the OTEC shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

Article II. Officers

2-1. *Officers.* The OTEC Officers shall consist of a Chairperson, Vice-Chairperson and Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

- (a) Shall call and preside at all meetings of the OTEC;
- (b) Shall appoint subcommittees of the OTEC in accordance with these bylaws;

- 136 (c) Shall oversee all OTEC activities and meetings;
- 137 (d) Shall supervise the Trust Enrollment Director, inviting input from the
- 138 OTEC members for purposes of his or her evaluation;
- 139 (e) Shall, personally or through a designee, submit quarterly reports to the
- 140 Oneida Business Committee and annual/semi-annual reports to the Oneida
- 141 General Tribal Council in accordance with the Boards, Committees and
- 142 Commissions law, as well as any other applicable trust agreements/plan;
- 143 (f) Shall be present at, or designate an OTEC member to be present at, the
- 144 Oneida Business Committee meeting where the OTEC's quarterly report
- 145 appears on the agenda; and
- 146 (g) Shall serve as an ex-officio member of all established subcommittees.
- 147

148 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the

- 149 Vice-Chairperson are as follows:
- 150 (a) Shall act with the same authority as the Chairperson in his or her absence.
 - 151

152 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the

- 153 Secretary are as follows:
- 154 (a) With assistance from the Trust Enrollment Department and/or the Business
 - 155 Committee Support Office, shall be responsible for keeping/taking minutes
 - 156 of OTEC meetings; submitting copies of meeting minutes to the Business
 - 157 Committee Support Office in accordance with the Boards, Committees and
 - 158 Commissions law; and making meeting minutes available to all OTEC
 - 159 members, as well as the public, pursuant to these bylaws and the Nation's
 - 160 Open Records and Open Meetings law; and
 - 161 (b) In the event that both the Chairperson and Vice-Chairperson positions
 - 162 become vacant before the end of their terms, shall call meetings to fill the
 - 163 vacancies and preside over those meetings to conduct an election of new
 - 164 Officers, at which point the Chairperson, or Vice-Chairperson in absence
 - 165 of the Chairperson, shall preside.
 - 166

167 2-5. *Selection of Officers.* Officers shall be elected by a majority vote of the members present

- 168 at the first OTEC regular monthly meeting of an established quorum that
- 169 follows the final result approval by the Oneida Business Committee of an
- 170 election of OTEC members.
- 171 (a) OTEC Officers shall serve one (1) year terms and shall not hold more than
 - 172 one (1) Officer position per Officer term.
 - 173 (1) If an Officer position is vacated, an interim election shall be held at
 - 174 the next OTEC meeting to fill the position for the balance of the
 - 175 year.
 - 176 (b) Nominations for Officer positions may only be made by members who are
 - 177 present, as defined within the Boards, Committees and Commissions law,
 - 178 at the OTEC meeting to elect Officers.
 - 179 (c) OTEC members may be dismissed from their Officer positions by majority
 - 180 vote of the members present at an OTEC meeting of an established quorum.
 - 181

- 182 2-6. *Purchases and Travel.* OTEC shall follow the Nation’s policies and procedures regarding
183 purchasing and sign-off authority.
184 (a) Levels of budgetary sign-off authority for the OTEC shall be as set forth in
185 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies*
186 *and Procedures*, for Divisional Directors/Tribal School Chairperson/Trust
187 Committee/Gaming Director.
188 (1) All OTEC Officers have sign-off authority and two (2) Officers shall
189 be required to sign-off on all budgetary requests.
190 (A) Upon approval by both Officers, the Business Committee
191 Support Office shall have official budgetary sign-off
192 authority for the OTEC.
193 (b) The OTEC shall approve a member’s request to travel on its behalf by
194 majority vote of the members present at a regular or emergency OTEC
195 meeting of an established quorum.
196
- 197 2-7. *Personnel.* The OTEC shall have the authority to hire a Trust Enrollment Director.
198 (a) The hiring of a Trust Enrollment Director shall be conducted in accordance
199 with the Nation’s Personnel Policies and Procedures law and shall be
200 dependent upon available funding.
201 (b) The duties of the Trust Enrollment Director shall be per the directive of the
202 OTEC Chairperson or Chairperson’s designee and as set forth in the job
203 description and/or documents governing the position.
204

205 **Article III. Meetings**

- 206 3-1. *Regular Meetings.*
207 (a) Subject to subsection (1) of this section, the OTEC shall meet on the fourth
208 Tuesday of each month for regular business, commencing at 5:00 p.m., in
209 the Trust Enrollment Department located at 210 Elm Street in Oneida, WI.
210 Meetings of the OTEC may be attended in person, by telephone, through
211 videoconferencing or through other telecommunications so long as presence
212 of each member is demonstrated consistent with the Boards, Committees
213 and Commissions law.
214 (1) In February and August of each year, the OTEC shall meet on the
215 third Tuesday of the month for Enrollment Meetings.
216 (2) The OTEC may change its regular meeting date, time and/or
217 location from time-to-time as it determines necessary by majority
218 vote of the members present at an OTEC meeting of an established
219 quorum so long as notice is provided to all members in writing and,
220 along with the public, in accordance with the Nation’s Open
221 Records and Open Meetings law, prior to the implementation of a
222 new date, time and/or location.
223 (b) Notice of meeting location, agenda, minutes and materials shall be
224 forwarded by the Trust Enrollment Department to all OTEC members via
225 email communication, sent to the official Oneida Nation email address
226 provided to members to conduct business electronically on behalf of the
227 OTEC (“Official Email”); and notice shall further be provided to all OTEC

228 members, as well as the public, in accordance with the Nation’s Open
229 Records and Open Meetings law.

230 (c) Meetings of the OTEC shall be conducted in accordance with the rules
231 contained in the current edition of Robert’s Rules of Order, in all cases to
232 which they are applicable, unless they are inconsistent with these bylaws.
233

234 3-2. *Emergency Meetings.* An emergency meeting may be called when there is an imminent
235 issue that needs to be addressed by the OTEC before its next regular meeting
236 which requires a thorough discussion, and thus, cannot be done by e-poll.
237 Emergency meetings may be attended in person, by telephone, through
238 videoconferencing or through other telecommunications so long as presence
239 of each member is demonstrated consistent with the Boards, Committees
240 and Commissions law.

241 (a) Any OTEC Officer may call an emergency meeting so long as in accordance
242 with these bylaws.

243 (b) At least twenty-four (24) hours before the start of the meeting, the Trust
244 Enrollment Department shall notify all OTEC members of the emergency
245 meeting by telephone call and shall send them the meeting location, agenda
246 and materials via their Official Email address.

247 (1) OTEC members, as well as the public, shall further receive notice
248 of emergency meetings per the Nation’s Open Records and Open
249 Meetings law.

250 (c) Within seventy-two (72) hours of the emergency meeting, the OTEC shall
251 provide the Nation’s Secretary with notice of the emergency meeting, the
252 reason for the emergency meeting, and an explanation as to why the matter
253 could not wait until the next regular meeting.
254

255 3-3. *Joint Meetings.* Joint meetings between the OTEC and the Oneida Business Committee
256 shall be held at the Norbert Hill Center in accordance with the MOA, which
257 may be amended from time-to-time hereafter, upon agreement by both
258 parties, and as follows:

259 (a) Notice of the joint meeting agendas, documents and minutes shall be
260 provided, and the joint meetings conducted, in accordance with resolution
261 BC-03-27-19-D titled, *Oneida Business Committee and Joint Meetings with*
262 *the Boards, Committees and Commissions – Definitions and Impact*, as may
263 be amended from time-to-time hereafter.
264

265 3-4. *Quorum.* Five (5) OTEC members shall constitute a quorum. If a quorum is not
266 present within fifteen (15) minutes of the announced meeting time, the
267 meeting shall be declared dismissed.
268

269 3-5. *Order of Business.* The order of business, as far as applicable, is:

- 270 (a) Call to Order
- 271 (b) Adopt the Agenda
- 272 (c) Visitor/Community Forum
- 273 (d) Approval of Minutes

- 274 (e) Old Business
- 275 (f) New Business
- 276 (g) Reports
- 277 (h) Other Business
- 278 (i) Executive Session
- 279 (j) Adjournment

280

281 3-6. *Voting.* Decisions of the OTEC shall be by majority vote of the members present at
282 an OTEC meeting of an established quorum, with each OTEC member
283 having one (1) vote.

284 (a) The Chairperson, or Officer presiding in lieu of the Chairperson, may not
285 vote except in the event of a tie.

286 (b) E-polls are allowed so long as conducted in accordance with the Boards,
287 Committees and Commissions law.

288 (1) The Vice-Chairperson, in the absence or discretion of the Chair-
289 person, shall be responsible for conducting e-polls.

290

291 **Article IV. Expectations**

292 4-1. *Behavior of Members.* Members of the OTEC are required to adhere to the following
293 behavioral expectations:

294 (a) Perform duties as outlined in these bylaws, as may be amended from time-
295 to-time hereafter, and adhere to all other governing laws, policies, MOA's
296 and/or rules of the Nation;

297 (b) Act only in the best interests of the OTEC;

298 (c) Put the OTEC's interest before any other personal or professional interests
299 while acting on behalf of or as a representative of the OTEC;

300 (d) Be actively involved in decision-making on behalf of the OTEC;

301 (e) Actively participate in OTEC planning, governance and development;

302 (f) Make decisions jointly with the OTEC members and honor decisions/
303 actions taken at meetings, whether in attendance or not;

304 (g) Not act independent of the OTEC or make statements on its behalf absent
305 authorization;

306 (h) Promptly reply to email and other communications that request and require
307 a response;

308 (i) Attend and contribute to all OTEC meetings.

309 (1) Three (3) unexcused absences from regularly scheduled meetings of
310 the OTEC within a one (1) year period may be grounds for removal/
311 termination or disciplinary action hereunder.

312 (A) An absence shall be deemed unexcused if a member fails to
313 provide an Officer with written notice of his or her intended
314 absence at least thirty (30) minutes prior to a meeting.

315 (2) If a member of the OTEC accrues three (3) unexcused absences in a
316 one (1) year period, the matter should be added to an OTEC meeting
317 agenda for consideration and possible action in accordance with
318 these bylaws.

- 319 (j) Prepare for meetings and provide feedback to the OTEC Chairperson or
320 Trust Enrollment Director on any agenda item; and
321 (k) While acting in the capacity of a member of the OTEC, behave in a manner
322 consistent with the Core Values of the Nation.
323 (l) *Enforcement.* Any member found to be in violation of this or any section of
324 these bylaws may be subject to the following:
325 (1) Sanctions and penalties in accordance with any laws or policies of
326 the Nation governing sanctions and/or penalties of officials.
327 (2) If the member was elected, the OTEC’s filing of a petition for his or
328 her removal pursuant to the Removal law and/or any other laws or
329 policies of the Nation governing the removal of elected officials.
330 (3) If the member was appointed, the OTEC’s recommendation to the
331 Oneida Business Committee for the termination of his or her
332 appointment pursuant to the Boards, Committees and Commissions
333 law and/or any other laws or policies of the Nation governing the
334 termination of appointed officials.
335 (A) The filing of a petition for removal or recommendation for
336 termination shall be decided by a majority vote of the
337 members present at an OTEC meeting of an established
338 quorum.
339
340 4-2. *Prohibition of Violence.* OTEC members are strictly prohibited from committing
341 intentionally violent acts that inflict, attempt to inflict, or threaten to inflict
342 emotional or bodily harm on another person, or damage to personal
343 property.
344
345 4-3. *Drug and Alcohol Use.* The OTEC prohibits the use of alcohol and illegal drugs by
346 members when acting in their official capacity.
347 (a) The OTEC encourages members to voluntarily seek help for their personal
348 drug and alcohol-related problems.
349
350 4-4. *Social Media.* OTEC members shall comply with the Nation’s Social Media Policy and
351 their oath of office when using social media while acting on behalf of or as
352 a representative of the OTEC.
353
354 4-5. *Conflict of Interest.* OTEC members shall abide by all laws of the Nation governing
355 conflicts of interest.
356 (a) It is the responsibility of each OTEC member to disclose conflicts of
357 interest.
358

359 **Article V. Stipends and Compensation**

- 360 5-1. *Stipends.* OTEC members shall be eligible for the following stipends as set forth in
361 and subject to these bylaws; the Boards, Committees and Commissions law;
362 and resolution BC-08-12-20-C titled, *Amended Boards, Committees and*
363 *Commissions Law Stipends*, as may be further amended from time-to-time
364 hereafter:

- 365 (a) No more than twenty-four (24) meeting stipends per fiscal year, provided
366 that:
367 (1) A quorum was established;
368 (2) The meeting of the established quorum lasted for at least one (1)
369 hour; and
370 (3) The member collecting the stipend was present for the entire
371 meeting as defined, as well as demonstrated, in accordance with the
372 Boards, Committees and Commissions law.
- 373 (b) A stipend for attending a duly called joint meeting between the OTEC and
374 the Oneida Business Committee, provided that:
375 (1) A quorum was established by the OTEC;
376 (2) The joint meeting lasted for at least one (1) hour; and
377 (3) The member collecting the stipend was present for the entire joint
378 meeting as defined, as well as demonstrated, in accordance with the
379 Boards, Committees and Commissions law.
- 380 (c) A stipend for attending an Oneida Judiciary hearing so long as the member's
381 attendance at the hearing is required by official subpoena.
- 382 (d) A stipend for attending an official hearing of the OTEC.
- 383 (e) A stipend for attending a conference or training, provided that:
384 (1) The amount of the stipend a member is eligible to receive for
385 attending a conference or training shall be dependent on whether the
386 member attended up to four (4) hours of a conference/training or
387 more than four (4) hours of a conference/training; and
388 (2) The member's attendance at the conference or training was required
389 by law, bylaws or resolution.

390
391 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized
392 under the Boards, Committees and Commissions law, members shall not be
393 eligible to receive any other form of compensation for duties/activities they
394 perform on behalf of the OTEC.
395

396 **Article VI. Records and Reporting**

397 6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format as identified in
398 section 3-5 of these bylaws.
399

400 6-2. *Minutes.* Minutes shall be prepared in a format created by the Business Committee
401 Support Office, following the order of business set forth in section 3-5 of
402 these bylaws, to generate the most informative record of the meeting.

403 (a) With assistance from the Trust Enrollment Department and/or Business
404 Committee Support Office, the OTEC Secretary shall submit a copy of the
405 approved OTEC minutes and agenda to the Business Committee Support
406 Office within thirty (30) days of approval by the OTEC.
407

408 6-3. *Attachments.* All handouts, reports, memorandum and the like shall be attached to the
409 OTEC meeting minutes and agenda in which they were presented.

- 410 (a) The Trust Enrollment Department shall submit any handouts, reports,
411 memoranda and the like with the respective original minutes and agenda.
412 (b) The Trust Enrollment Department shall maintain all original copies of the
413 minutes, agenda and attachments in accordance with the Open Records and
414 Open Meetings law.
415

416 6-4. *Oneida Business Committee Liaison.* The OTEC shall regularly communicate with the
417 member of the Oneida Business Committee who is its designated liaison.

- 418 (a) The frequency and method of communication shall be as agreed upon by
419 the OTEC and the liaison, but not less than as established by the Oneida
420 Business Committee or the Oneida General Tribal Council.
421 (b) The purpose of the liaison relationship is to uphold the ability of the liaison
422 to act as support to the OTEC.
423

424 6-5. *Audio Recordings.* All meetings shall be audio recorded utilizing the Trust Enrollment
425 Department's and/or Business Committee Support Office's audio recording
426 equipment.

- 427 (a) The Trust Enrollment Department shall maintain the original digital audio
428 recordings and submit a digital copy to the Business Committee Support
429 Office within thirty (30) days after the OTEC approves the corresponding
430 meeting minutes.
431 (b) *Exception.* Audio recordings of executive session portions of a meeting
432 shall not be required.
433

434 **Article VII. Amendments**

435 7-1. *Amendments.* At the first regular meeting following certification of election results, and
436 annually thereafter, a review of these bylaws shall be conducted by the
437 OTEC to determine that they are current.

- 438 (a) The OTEC, upon written notice, may, at any of its regular meetings of an
439 established quorum by majority vote of the members present at the meeting,
440 amend or repeal any or all sections of these bylaws; provided, the proposed
441 amendment or request for repeal is submitted to the Oneida Business
442 Committee.
443 (1) Any amendments to these bylaws shall conform to the requirements
444 of the Boards, Committees and Commissions law and any other
445 policy of the Nation.
446 (b) Amendments or repeals to these bylaws shall be approved by the Oneida
447 Business Committee and, when necessary, the Oneida General Tribal
448 Council before implementation.

- 42 (7) Any additional authority delegated to the OTEC through other laws,
43 policies, rules, resolutions and/or applicable trust agreements/plans
44 of the Nation.
- 45 (b) Powers and Duties. The OTEC shall have the power to carry out, including,
46 but not limited to, the following duties:
- 47 1) Administer the Emigrant New York Indian Claims Award
48 Docket _____ 75 Trust Fund known as Elderly Per Capita; Higher
49 Education _____ and
50 _____ General Welfare Trust ~~a/f/k/a/~~ the Elderly Per Capita Payment
51 _____ Distribution Fund; and the Oneida Trust Scholarship Fund;
52 administer _____ (2) Oversee the management of the Trust Enrollment
53 Department;
- 54 (3) Administer membership distributions;
- 55 2) _____ (4) Administer the Minors Per Capita Trust Funds;
56 3) administer _____ (5) Administer the Language Revitalization Fund;
57 4) _____ administer the Per Capita Endowment Fund and any other trusts which may be
58 created;
- 59 monitor _____ (6) Administer the Oneida Life Insurance Plan Plus (“OLIPP”)
60 and _____ oversee the OLIPP benefit;
- 61 (7) Administer endowments;
- 62 5) _____ (8) Monitor funds held in the name of the Oneida ~~Tribe of Indians~~
63 of Wisconsin ~~Nation~~ at the Bureau _____ of Indian Affairs;
- 64 6) _____ exercise exclusive control of the investment and collection of principal, interest
65 and investments of all monies deposited in, and income derived from, all Oneida
66 Tribe endowment fund accounts; maintain _____ (9) Maintain the
67 official roll of the Oneida ~~Tribe of Indians of Wisconsin;~~
68 7) _____ approve new applications for ~~Nation~~ by carrying out all _____
69 _____ enrollment; and
- 70 8) _____ supervise the Oneida Trust and Enrollment Departments.
- 71 3. _____ Office
- 72 A. _____ The official mailing address of the Oneida Trust/Enrollment Committee, the Trust
73 Department, and the Enrollment Department is P.O. Box 365, Oneida, WI 54155.
- 74 B. _____ The physical address of the Trust Department is 909 Packerland Drive, Green Bay, WI
75 54303. The physical address of the Enrollment Department is 210 Elm Street, Oneida,
76 Wisconsin 54155. The physical address of each Department is subject to change from
77 time to time duties in accordance with approval of the Oneida Trust/Enrollment
78 Committee.[‡] These changes do not require the approval of the General Tribal Council.
- 79 4. _____ the Membership
- 80 A. _____ The Oneida Trust/Enrollment Committee shall be composed of nine (9) members, one
81 (1) of whom will be a member of and represent the Oneida Business Committee.
82 _____ Committee members are elected by the Oneida General Tribal Council by casting ballots

[‡]The Oneida Trust/Enrollment Committee will honor the community’s desire to keep the Enrollment Department within central Oneida.

83 at the annual Tribal elections.

84 ~~B. Qualifications~~

85 1) ~~To be eligible to run for the Oneida Trust/Enrollment Committee, a candidate~~
86 ~~shall have the following qualifications:~~

87 a) ~~Shall be an enrolled Oneida Tribal Member who is eligible to vote in~~
88 ~~tribal elections.~~

89 b) ~~Shall live on or near the reservation (within the external boundaries of~~
90 ~~the Oneida Reservation or in a surrounding community).~~

91 c) ~~Shall have the ability to honorably protect and uphold the purpose of~~
92 ~~the Oneida Trust/Enrollment Committee with integrity, diligence and~~
93 ~~foresight.~~

94 d) ~~Must be able to obtain a fiduciary bond.~~

95 ~~C. Vacancies, Appointments, Resignations, Suspensions, and Removals~~

96 1) ~~Vacancies and Appointments~~

97 a) ~~If any member dies, resigns, is removed, is incapacitated, or is otherwise~~
98 ~~unable to serve, the Chairperson of the Oneida Trust/Enrollment~~
99 ~~Committee shall select a candidate who, upon approval of the Oneida~~
100 ~~Trust/Enrollment Committee and the Oneida Business Committee, shall~~
101 ~~serve the remainder of the former member's term.~~

102 b) ~~If, after the annual election, a position on the Oneida Trust/Enrollment~~
103 ~~Committee remains vacant due to the lack of a sufficient number of~~
104 ~~qualified candidates in the election, the Chairperson of the Oneida~~
105 ~~Trust/Enrollment Committee shall select a candidate who, upon~~
106 ~~approval by the Oneida Trust/Enrollment Committee and the Oneida~~
107 ~~Business Committee, shall serve Ordinance, as if elected in the annual~~
108 ~~election.~~

109 2) ~~Resignation~~

110 a) ~~A resignation shall be submitted in writing at any regular Oneida~~
111 ~~Trust/Enrollment Committee meeting.~~

112 3) ~~Attendance~~

113 a) ~~Attendance at Oneida Trust/Enrollment Committee meetings is critical~~
114 ~~for the ongoing operation and growth of each department. The Oneida~~
115 ~~Trust/Enrollment Committee has high expectations when it comes to~~
116 ~~attendance; therefore, attendance will be closely monitored. Failure to~~
117 ~~attend meetings on a regular basis or missing three consecutive meeting~~
118 ~~without prior notification will prompt the Oneida Trust/Enrollment~~
119 ~~Committee to add the attendance issue to the agenda for discussion~~
120 ~~and possible action.~~

121 ~~D. Challenged Elections~~

122 1) ~~In the event of a challenged election, all Oneida Trust/Enrollment Committee~~
123 ~~members holding positions prior to the election shall remain members of the~~
124 ~~Oneida Trust/Enrollment Committee until the election dispute is resolved.~~

125 ~~E. Subcommittees~~

126 1) ~~A subcommittee may be appointed by the Chairperson of the Oneida~~

127 Trust/Enrollment Committee to carry out specific duties, when deemed
128 necessary. The subcommittee shall serve until the duties with which this
129 subcommittee has been charged are completed, and a report has been
130 accepted by the Oneida Trust/Enrollment Committee. Upon dissolution the
131 respective department administrative assistants are responsible for materials to
132 be filed or destroyed.
133

134 ~~Article II. Officers~~

135 1. ~~Officer Selection Process~~

136 A. ~~Officers shall be elected by the Oneida Trust/Enrollment Committee at the first Regular~~
137 ~~monthly meeting following the final result of a valid annual election of Oneida~~
138 ~~Trust/Enrollment Committee positions, will take office, and serve a one (1) year term.~~

139 B. ~~If an officer position is vacated, an interim election shall be held by the Oneida~~
140 ~~Trust/Enrollment Committee to fill the office for the balance of the year.~~

141 C. ~~Any Oneida Trust/Enrollment Committee member nominated for an office _____~~
142 ~~_____ well as defined in Article II of these bylaws may communicate acceptance of such~~
143 ~~nomination via correspondence, which may include electronic communications such as email and~~
144 ~~facsimile and written correspondence. **any other rules/resolutions related thereto;**~~

145 D. ~~Any nomination for an officer position defined in Article II can be made only by an~~
146 ~~Oneida Trust/Enrollment Committee member who is physically present at a duly called~~
147 ~~meeting of the Oneida Trust/Enrollment Committee.~~

148 2. ~~Positions~~

149 A. ~~Chairperson~~

150 1) ~~The Chairperson presides at meetings, appoints committees, oversees all~~
151 ~~Oneida Trust/Enrollment Committee activities, schedules Special meetings, and~~
152 ~~supervises the Directors of both the Enrollment and Trust Departments. The~~
153 ~~Chair shall invite input from Committee members for evaluations.~~

154 2) ~~The Chairperson of the Oneida Trust/Enrollment Committee shall serve as an ex-~~
155 ~~officio member of all established subcommittees.~~

156 B. ~~Vice Chairperson~~

157 1) ~~The Vice Chairperson acts with the same authority as the Chairperson in the~~
158 ~~absence of the Chairperson.~~

159 C. ~~Secretary~~

160 1) ~~The Secretary is responsible for correspondence and minutes of all meetings.~~

161 2) ~~In the absence of the Chairperson and Vice Chairperson, to the Secretary may~~
162 ~~call the meeting to order and preside until the immediate election of a Chair Pro~~
163 ~~Tem.~~
164

165 ~~Article III. Committee Duties~~

166 1. ~~The duties of the Oneida Trust/Enrollment Committee include, but are not limited to the~~
167 ~~following:~~

168 A. ~~Complete the Oneida Trust/Enrollment Committee Confidentiality Statement and the~~

169 ~~Non-Disclosure Agreement. At the commencement of taking office, new members shall~~
170 ~~complete the forms and provide the completed forms to the Trust Director. Upon~~
171 ~~submission of forms to the Trust Director the member shall have the authority to vote~~
172 ~~and or receive a stipend payment.~~

173 ~~B. Provide direction to the Oneida Trust and Enrollment Departments. The Directors of the~~
174 ~~Trust and Enrollment Departments are responsible to the Oneida Trust/Enrollment~~
175 ~~Committee, and under the immediate supervision of the Chairperson of the Oneida~~
176 ~~Trust/Enrollment Committee, or his or her designee. The Enrollment Director and the~~
177 ~~Trust Director shall comply with all directives of the Oneida Trust/Enrollment~~
178 ~~Committee and cooperate with the members and representatives of the Oneida~~
179 ~~Trust/Enrollment Committee.~~

180 ~~C. _____ (10) Report to the Oneida General Tribal Council semiannually.;~~
181 ~~D. _____ (11) Develop ~~policy~~ policies relating to ~~the~~ trust funds and~~
182 ~~enrollment enrollments for adoption _____ by _____ the _____ Oneida~~
183 ~~Trust/Enrollment Business Committee and/or ~~the~~ Oneida General Tribal~~
184 ~~_____ Council.;~~ and
185 ~~Oversee _____ (12) Carry out any further or additional duties established through~~
186 ~~the _____ laws, policies, rules and resolutions of the Nation.~~

188 1-4. Office. The official mailing address of the OTEC shall be:

189 ~~E. _____ Oneida Trust Fund distributions Enrollment Committee~~
190 ~~Participate in continuing training including orientation, board training and workshops pertaining to _____~~
191 _____ P.O. Box 365
192 _____ Oneida, WI 54155

194 1-5. Membership.

195 (a) Number of Members. The OTEC shall be composed of nine (9) members,
196 one (1) of whom shall be the Nation's Treasurer.

197 (b) Elected. OTEC members shall be elected in accordance with the Nation's
198 election laws and/or policies for three (3) year staggered terms.

199 (1) Members shall hold office until their term expires, they resign, or
200 they are removed/terminated from office.

201 (A) A member whose term has expired shall remain in office
202 until his or her successor is sworn in by the Oneida Business
203 Committee.

204 (B) A member may resign at any time verbally during an OTEC
205 meeting or by delivering written notice to the Business
206 Committee Support Office and the OTEC Chairperson or
207 Chairperson's designee.

208 (i) The resignation is deemed effective upon acceptance
209 by OTEC motion of a member's verbal resignation
210 or upon delivery of the written notices.

211 (c) Vacancies. Vacancies on the OTEC shall be filled as follows:

212 (1) Expired Terms. Vacancies caused by the expiration of a member's

213 term shall be filled by election in accordance with the laws and/or
214 policies of the Nation governing elections.

215 (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by
216 appointment by the Oneida Business Committee pursuant to the
217 Boards, Committees and Commissions law for the remainder of the
218 unexpired term.

219 (A) The OTEC Chairperson shall provide the Oneida Business
220 Committee with recommendations on all applications for
221 appointment to fill a vacancy of an unexpired term per the
222 process set by the Boards, Committees and Commissions
223 law.

224 (B) The Chairperson's recommendation shall be decided by
225 majority vote of the members present at an OTEC meeting
226 of an established quorum.

227 (d) *Qualifications of Members.* Each OTEC member shall be:

228 (1) An enrolled member of the Nation;

229 (2) A resident of Brown or Outagamie County;

230 (3) At least eighteen (18) years of age; and

231 (4) Able to obtain a fiduciary bond.

232
233 1-6. *Termination or Removal.* An OTEC member found to be in violation of these bylaws, or
234 any other governing laws of the Nation, may be subject to the following:

235 (a) If the member was elected, the OTEC's filing of a petition for his or her
236 removal in accordance with the Removal law and/or any other law of the
237 Nation governing the removal of elected officials.

238 (b) If the member was appointed, the OTEC's submission of a recommendation
239 to the Oneida Business Committee for termination of his or her appointment
240 pursuant to the Boards, Committees and Commissions law and/or any other
241 law of the Nation governing the termination of appointed officials.

242 (c) The filing of a petition for removal or submission of a recommendation for
243 termination shall be decided by majority vote of the members present at an
244 OTEC meeting of an established quorum.

245
246 1-7. *Trainings and Conferences.* The following trainings/conferences shall be mandatory for
247 members of the OTEC to attend as determined by a majority vote of the
248 members present at an OTEC meeting of an established quorum:

249 (a) OTEC Orientation;

250 (b) Trainings/conferences relating to investing, fiduciary,
251 Administrative financing, administration and fiduciary duties applicable to
252 their positions on the OTEC;

253 (c) Trainings/conferences on the Nation's Legislative Procedures Act; the laws/
254 policies governing the OTEC; and the various trust/departmental guide-
255 lines, as well as standard operating procedures, that apply to the OTEC; and

256 (d) Any additional training as needed to fulfill expectations outlined in these
257 bylaws.

258 (e) Regardless of the number of trainings/conferences that he or she is required
259 to attend, no member of the OTEC shall be eligible to receive stipends for
260 attending more than five (5) full days of mandatory trainings/conferences
261 per year.

262
263 **Article II. Officers**

264 *2-1. Officers.* The OTEC Officers shall consist of a Chairperson, Vice-Chairperson and
265 ~~general knowledge of the~~ Secretary.

266
267 *2-2. Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the
268 Chairperson are as follows:

- 269 (a) Shall call and preside at all meetings of the OTEC;
270 (b) Shall appoint subcommittees of the OTEC in accordance with these bylaws;
271 (c) Shall oversee all OTEC activities and meetings;
272 (d) Shall supervise the Trust Enrollment Director, inviting input from the
273 OTEC members for purposes of his or her evaluation;
274 (e) Shall, personally or through a designee, submit quarterly reports to the
275 Oneida Business Committee and annual/semi-annual reports to the Oneida
276 General Tribal Council in accordance with the Boards, Committees and
277 Commissions law, as well as any other applicable trust agreements/plan;
278 (f) Shall be present at, or designate an OTEC member to be present at, the
279 Oneida Business Committee meeting where the OTEC's quarterly report
280 appears on the agenda; and
281 (g) Shall serve as an ex-officio member of all established subcommittees.

282
283 *2-3. Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the
284 Vice-Chairperson are as follows:

- 285 (a) Shall act with the same authority as the Chairperson in his or her absence.

286
287 *2-4. Responsibilities of the Secretary.* The duties, responsibilities and limitations of the
288 Secretary are as follows:

- 289 (a) With assistance from the Trust Enrollment Department and/or the Business
290 Committee Support Office, shall be responsible for keeping/taking minutes
291 of OTEC meetings; submitting copies of meeting minutes to the Business
292 Committee Support Office in accordance with the Boards, Committees and
293 Commissions law; and making meeting minutes available to all OTEC
294 members, as well as the public, pursuant to these bylaws and the Nation's
295 Open Records and Open Meetings law; and
296 (b) In the event that both the Chairperson and Vice-Chairperson positions
297 become vacant before the end of their terms, shall call meetings to fill the
298 vacancies and preside over those meetings to conduct an election of new

299 Officers, at which point the Chairperson, or Vice-Chairperson in absence
300 of the Chairperson, shall preside.

301
302 2-5. Selection of Officers. Officers shall be elected by a majority vote of the members present
303 at the first OTEC regular monthly meeting of an established quorum that
304 follows the final result approval by the Oneida Business Committee of an
305 election of OTEC members.

306 (a) OTEC Officers shall serve one (1) year terms and shall not hold more than
307 one (1) Officer position per Officer term.

308 (1) If an Officer position is vacated, an interim election shall be held at
309 the next OTEC meeting to fill the position for the balance of the
310 year.

311 (b) Nominations for Officer positions may only be made by members who are
312 present, as defined within the Boards, Committees and Commissions law,
313 at the OTEC meeting to elect Officers.

314 (c) OTEC members may be dismissed from their Officer positions by majority
315 vote of the members present at an OTEC meeting of an established quorum.

316
317 2-6. Purchases and Travel. OTEC shall follow the Nation's policies and procedures of the
318 regarding purchasing and sign-off authority.

319 ~~F.~~ (a) Levels of budgetary sign-off authority for the OTEC shall be as set
320 forth in the manual titled, Oneida Tribe of Indians of Wisconsin. Members of
321 the Committee will also be familiar with the various trust and departmental guidelines and
322 standard operating procedures. Purchasing Policies and Procedures, for
323 Divisional Directors/Tribal School Chairperson/Trust

324 Committee/Gaming Director

325 ~~G.~~ Carry out all enrollment duties as prescribed in the Membership Ordinance and any
326 subsequent enrollment laws.

327 Conduct oversight on Trust Fund investment activity, provide due diligence in all matters relating
328 to (1) All OTEC Officers have sign-off authority and two (2) Officers shall

329 be required to sign-off on all budgetary requests.

330 (A) Upon approval by both Officers, the Business Committee
331 Support Office shall have official budgetary sign-off
332 authority for the Trust, and maintain fiduciary responsibility in
333 management OTEC.

334 (b) The OTEC shall approve a member's request to travel on its behalf by
335 majority vote of the funds members present at a regular or emergency OTEC
336 meeting of an established quorum.

337
338 2-7. Personnel. The OTEC shall have the authority to hire a Trust Enrollment Director.

339 (a) The hiring of a Trust Enrollment Director shall be conducted in accordance
340 with the requirements Nation's Personnel Policies and Procedures law and shall
341 be dependent upon available funding.

342 ~~H.~~ (b) The duties of the Oneida Trust Agreements Enrollment Director shall
343 be per the directive of the OTEC Chairperson or Chairperson's
344 designee and as set forth in the job description and/or documents
345 governing the position.
346

347
348 ~~Article IV.~~ Article III. Meetings

349 ~~1.~~ 3-1. Regular Meetings.

350 ~~A.~~ The Oneida Trust/Enrollment Committee will meet the first (1st) Tuesday of each month
351 for Enrollments, and the fourth (4th) Tuesday of each month for the Trust. Time and
352 place of meetings shall be established by the Oneida Trust/Enrollment Committee.

353 ~~2.~~ Emergency/Special Meetings

354 ~~A.~~ The Chairperson may call Emergency/Special meetings. There shall be a minimum of 24
355 hour verbal notice to all Committee members of any emergency and/or special meeting.

356 ~~3.~~ Agenda and Meeting Materials

357 ~~A.~~ The Chairperson shall approve the agenda.

358 ~~B.~~ Notice of meeting location, agenda, and materials shall be forwarded to the Committee
359 members by the Enrollment Department or the Trust Department, depending on the
360 subject matter of the meeting.

361 ~~4.~~ Quorums

362 ~~A majority of the Oneida Trust/Enrollment Committee~~ (a) Subject to subsection (1) of
363 this section, the OTEC shall meet on the fourth Tuesday of each month for
364 regular business, commencing at 5:00 p.m., in the Trust
365 Enrollment Department located at 210 Elm Street in Oneida, WI. Meetings of
366 the OTEC may be attended in person, by telephone, through
367 videoconferencing or through other telecommunications so long as presence
368 of each member is demonstrated consistent with the Boards, Committees
369 and Commissions law.

370 (1) In February and August of each year, the OTEC shall meet on the
371 third Tuesday of the month for Enrollment Meetings.

372 (2) The OTEC may change its regular meeting date, time and/or
373 location from time-to-time as it determines necessary by majority
374 vote of the members present at an OTEC meeting of an established
375 quorum so long as notice is provided to all members in writing and,
376 along with the public, in accordance with the Nation's Open
377 Records and Open Meetings law, prior to the implementation of a
378 new date, time and/or location.

379 (b) Notice of meeting location, agenda, minutes and materials shall be
380 forwarded by the Trust Enrollment Department to all OTEC members via
381 email communication, sent to the official Oneida Nation email address
382 provided to members to conduct business electronically on behalf of the
383 OTEC ("Official Email"); and notice shall further be provided to all OTEC

384 _____ members, as well as the public, in accordance with the Nation's Open
385 _____ Records and Open Meetings law.

- 386 (c) Meetings of the OTEC shall be conducted in accordance with the rules
387 _____ contained in the current edition of Robert's Rules of Order, in all cases to
388 _____ which they are applicable, unless they are inconsistent with these bylaws.
389 _____

390 3-2. Emergency Meetings. An emergency meeting may be called when there is an imminent
391 _____ issue that needs to be addressed by the OTEC before its next regular meeting
392 _____ which requires a thorough discussion, and thus, cannot be done by e-poll.
393 _____ Emergency meetings may be attended in person, by telephone, through
394 _____ videoconferencing or through other telecommunications so long as presence
395 _____ of each member is demonstrated consistent with the Boards, Committees
396 _____ and Commissions law.

- 397 (a) Any OTEC Officer may call an emergency meeting so long as in accordance
398 _____ with these bylaws.

- 399 (b) At least twenty-four (24) hours before the start of the meeting, the Trust
400 _____ Enrollment Department shall notify all OTEC members of the emergency
401 _____ meeting by telephone call and shall send them the meeting location, agenda
402 _____ and materials via their Official Email address.

- 403 (1) OTEC members, as well as the public, shall further receive notice
404 _____ of emergency meetings per the Nation's Open Records and Open
405 _____ Meetings law.

- 406 (c) Within seventy-two (72) hours of the emergency meeting, the OTEC shall
407 _____ provide the Nation's Secretary with notice of the emergency meeting, the
408 _____ reason for the emergency meeting, and an explanation as to why the matter
409 _____ could not wait until the next regular meeting.
410 _____

411 3-3. Joint Meetings. Joint meetings between the OTEC and the Oneida Business Committee
412 _____ shall be held at the Norbert Hill Center in accordance with the MOA, which
413 _____ may be amended from time-to-time hereafter, upon agreement by both
414 _____ parties, and as follows:

- 415 (a) Notice of the joint meeting agendas, documents and minutes shall be
416 _____ provided, and the joint meetings conducted, in accordance with resolution
417 _____ BC-03-27-19-D titled, *Oneida Business Committee and Joint Meetings with*
418 _____ *the Boards, Committees and Commissions – Definitions and Impact*, as may
419 _____ be amended from time-to-time hereafter.
420 _____

421 ~~A.~~ 3-4. Quorum. Five (5) OTEC members shall constitute a quorum. If a quorum is
422 _____ not _____ present within fifteen (15) minutes of the announced meeting
423 _____ time, the _____ meeting ~~will~~shall be declared dismissed.

424 ~~5.~~ Parliamentary Procedure

425 ~~A.~~ _____ All meetings shall be conducted in accordance with the rules contained in the current
426 _____ edition of ROBERT'S RULES OF ORDER, in all cases to which they are applicable, unless
427 _____ they are inconsistent with these Bylaws and/or any special rules of order the Oneida

~~Trust/Enrollment Committee may adopt.~~

~~6.~~ 3-5. Order of Business

~~A. The regular meetings of the Oneida Trust/Enrollment Committee shall follow the order of business, as set out herein far as applicable, is:~~

- ~~1)~~ (a) Call Meeting to Order
- ~~2)~~ Approve (b) Adopt the Agenda
- ~~3)~~ Approve (c) Visitor/Community Forum
- ~~4)~~ (d) Approval of Minutes
- ~~5)~~ Attorney Business
- ~~6)~~ (e) Old Business
- ~~7)~~ (f) New Business
- ~~8)~~ (g) Reports
- ~~9)~~ (h) Other Business
- ~~10)~~ (i) Executive Session
- ~~11)~~ (j) Adjournment

~~The emergency/special meetings~~

~~B. 3-6. Voting. Decisions of the Oneida Trust/Enrollment Committee shall follow the order of business as set by the Chairperson.~~

~~7. Voting~~

~~A. Voting OTEC shall be in accordance with the simple by majority vote of the Committee members present at a duly called _____ an OTEC meeting, of an established quorum, with each OTEC member _____ having one (1) vote.~~

~~B. (a) The Chairperson, or Officer presiding in lieu of the Chairperson, may not _____ vote except in the event of a tie.~~

~~Each Oneida- (b) E-polls are allowed so long as conducted in accordance with the Boards, _____~~

~~_____ Committees and Commissions law.~~

~~(1) The Vice-Chairperson, in the absence or discretion of the Chairperson, shall be responsible for conducting e-polls.~~

Article IV. Expectations

4-1. Behavior of Members. Members of the OTEC are required to adhere to the following behavioral expectations:

- (a) Perform duties as outlined in these bylaws, as may be amended from time-to-time hereafter, and adhere to all other governing laws, policies, MOA's and/or rules of the Nation;
- (b) Act only in the best interests of the OTEC;
- (c) Put the OTEC's interest before any other personal or professional interests while acting on behalf of or as a representative of the OTEC;
- (d) Be actively involved in decision-making on behalf of the OTEC;
- (e) Actively participate in OTEC planning, governance and development;
- (f) Make decisions jointly with the OTEC members and honor decisions/actions taken at meetings, whether in attendance or not;

- 472 (g) Not act independent of the OTEC or make statements on its behalf absent
473 authorization;
- 474 (h) Promptly reply to email and other communications that request and require
475 a response;
- 476 (i) Attend and contribute to all OTEC meetings.
- 477 (1) Three (3) unexcused absences from regularly scheduled meetings of
478 the OTEC within a one (1) year period may be grounds for removal/
479 termination or disciplinary action hereunder.
- 480 (A) An absence shall be deemed unexcused if a member fails to
481 provide an Officer with written notice of his or her intended
482 absence at least thirty (30) minutes prior to a meeting.
- 483 (2) If a member of the OTEC accrues three (3) unexcused absences in a
484 one (1) year period, the matter should be added to an OTEC meeting
485 agenda for consideration and possible action in accordance with
486 these bylaws.
- 487 (j) Prepare for meetings and provide feedback to the OTEC Chairperson or
488 Trust/Enrollment Director on any agenda item; and
- 489 (k) While acting in the capacity of a member of the OTEC, behave in a manner
490 consistent with the Core Values of the Nation.
- 491 (l) *Enforcement.* Any member found to be in violation of this or any section of
492 these bylaws may be subject to the following:
- 493 (1) Sanctions and penalties in accordance with any laws or policies of
494 the Nation governing sanctions and/or penalties of officials.
- 495 (2) If the member was elected, the OTEC's filing of a petition for his or
496 her removal pursuant to the Removal law and/or any other laws or
497 policies of the Nation governing the removal of elected officials.
- 498 (3) If the member was appointed, the OTEC's recommendation to the
499 Oneida Business Committee ~~member shall have one (1)~~ for the
500 termination of his or her appointment pursuant to the Boards,
501 Committees and Commissions law and/or any other laws or policies
502 of the Nation governing the termination of appointed officials.
- 503 € (A) The filing of a petition for removal or
504 recommendation for termination shall be
505 decided by a majority vote of the members
506 present at an OTEC meeting of an established
507 quorum.
- 508 Conflicts
- 509 4-2. *Prohibition of Violence.* OTEC members are strictly prohibited from committing
510 intentionally violent acts that inflict, attempt to inflict, or threaten to inflict
511 emotional or bodily harm on another person, or damage to personal
512 property.
- 513
- 514 4-3. *Drug and Alcohol Use.* The OTEC prohibits the use of alcohol and illegal drugs by
515 members when acting in their official capacity.

516 (a) The OTEC encourages members to voluntarily seek help for their personal
517 drug and alcohol-related problems.
518

519 4-4. Social Media. OTEC members shall comply with the Nation's Social Media Policy and
520 their oath of office when using social media while acting on behalf of or as
521 a representative of the OTEC.
522

523 ~~D.~~ 4-5. Conflict of Interest

524 ~~1)~~ In cases where a conflict exists, OTEC members shall abide by all laws of the Nation governing
525 conflicts of interest exists, a Committee member shall recuse themselves from
526 an action, or the Oneida Trust/Enrollment Committee can vote by a majority of the quorum present to
527 exclude a Committee member they believe has a conflict.

528 ~~8.~~ Stipends

529 ~~A.~~ Meetings

530 ~~A Committee~~ (a) It is the responsibility of each OTEC member is to disclose conflicts
531 of interest.
532

533 Article V. Stipends and Compensation

534 5-1. Stipends. OTEC members shall be eligible to receive a stipend if a for the following
535 stipends as set forth in and subject to these bylaws; the Boards,
536 Committees and Commissions law; and resolution BC-08-12-20-C titled, Amended
537 Boards, Committees and Commissions Law Stipends, as may be further
538 amended from time-to-time hereafter:

539 (a) No more than twenty-four (24) meeting stipends per fiscal year, provided
540 that:

541 (1) A quorum has been was established;

542 (2) The meeting of the established quorum lasted for at least one (1)
543 hour; and

544 ~~1)~~ (3) The member collecting the stipend was present for the entire
545 meeting as defined, as well as demonstrated, in accordance with
546 Article IV 4 the Boards, Committees and Commissions law.

547 (b) A Committee member's stipend is \$75 for attending meetings, regular or
548 special, a duly called joint meeting between the OTEC and the Oneida Business
549 Committee, provided that:

550 (1) A quorum was established by the OTEC;

551 ~~2)~~ (2) The joint meeting lasted for at least one (1) hour regardless
552 of the length of the meeting; and

553 ~~3)~~ (3) The Chairperson must supervise member
554 collecting the departments' directors, which requires additional work. The
555 Chairperson's stipend is \$100 for attending meetings, regular or special, at least
556 one (1) hour regardless of the length of the was present for the entire joint
557 meeting.

558 ~~B.~~ Conferences and Training

559 ~~1)~~ Reimbursement for conferences and training shall be as defined, as well as demonstrated, in
560 accordance with the Comprehensive Policy Governing _____ Boards, Committees
561 and Commissions, Article XI, 11-6, 11-7 and 11-8. law.
562

563 (c) A stipend for attending an Oneida Judiciary hearing so long as the member's
564 attendance at the hearing is required by official subpoena.

565 (d) A stipend for attending an official hearing of the OTEC.

566 (e) A stipend for attending a conference or training, provided that:

567 (1) The amount of the stipend a member is eligible to receive for
568 attending a conference or training shall be dependent on whether the
569 member attended up to four (4) hours of a conference/training or
570 more than four (4) hours of a conference/training; and

571 (2) The member's attendance at the conference or training was required
572 by law, bylaws or resolution.
573

574 5-2. Compensation. Besides travel, per diem and business expense reimbursement authorized
575 under the Boards, Committees and Commissions law, members shall not be
576 eligible to receive any other form of compensation for duties/activities they
577 perform on behalf of the OTEC.
578

579 ~~Article V.~~ Article VI. Records and Reporting

580 ~~1. General~~

581 ~~A. The Oneida Trust/Enrollment Committee will report to the Oneida General Tribal~~
582 ~~Council semiannually.~~

583 ~~2. Format~~

584 ~~A. 6-1. Agenda Items.~~ Agenda items shall be maintained in a consistent format as
585 identified in _____ section 3-5 of these bylaws.
586

587 ~~3. 6-2. Minutes~~

588 ~~A. Minutes shall be typed and prepared in a consistent format designed created by the~~
589 ~~Business Committee Support Office, following the~~
590 ~~order of business set forth in section 3-5 of these bylaws, to~~
591 ~~generate the most informative record of the meetings of the Oneida Trust/Enrollment~~
592 ~~Committee meeting.~~

593 (a) The Oneida With assistance from the Trust Enrollment Department will provide
594 copies of minutes of the Oneida Trust/Enrollment and/or Business Committee
595 meetings pertaining to Support Office, the Trust to the OTEC Secretary shall
596 submit a copy of the Oneida _____ approved OTEC minutes and agenda to the
597 Business Committee Support Office within a reasonable time after thirty
598 (30) days of approval by the Oneida OTEC.
599

600 6-3. Attachments. All handouts, reports, memorandum and the like shall be attached to the
601 OTEC meeting minutes and agenda in which they were presented.

602 ~~B.~~ _____ (a) The Trust/ Enrollment Committee ~~Department shall submit any~~
603 handouts, reports, _____ memoranda and the like with the respective
604 original minutes and agenda.

605 _____ (b) The Oneida Trust Enrollment Department ~~will provide~~ shall maintain all original
606 copies of the _____ minutes of the, agenda and attachments in accordance with the
607 Open Records and _____ Open Meetings law.

609 6-4. Oneida Trust/Enrollment Business Committee meetings pertaining to Enrollments to the
610 Secretary Liaison. The OTEC shall regularly communicate with the

611 _____ member of the Oneida Business Committee within a reasonable time after approval
612 by the Oneida Trust/who is its designated liaison. _____ (a) The frequency and

613 method of communication shall be as agreed upon by _____ the
614 OTEC and the liaison, but not less than as established by the Oneida _____
615 Business Committee or the Oneida General Tribal Council.

616 _____ (b) The purpose of the liaison relationship is to uphold the ability of the liaison
617 to act as support to the OTEC.

619 6-5. Audio Recordings. All meetings shall be audio recorded utilizing the Trust Enrollment
620 _____ Department's and/or Business Committee Support Office's audio recording
621 _____ equipment.

622 ~~C.~~ _____ (a) The Trust Enrollment Committee ~~Department shall maintain the~~
623 original digital audio _____ recordings and submit a digital copy to the
624 Business Committee Support _____ Office within thirty (30) days after the
625 OTEC approves the corresponding _____ meeting minutes.

626 D. _____ All copies of minutes will be stamped confidential and held by the Tribal Secretary in a
627 sensitive documents area of tribal records.

628 E. _____ Original minutes of the Oneida Trust/Enrollment Committee meetings will be stamped
629 confidential and held by each respective department in a sensitive documents area.

630 4. _____ Attachments

631 A. _____ Handouts, reports, memoranda, and the like shall be attached to the original minutes
632 and agenda.

634 ~~Article VI. Amendments~~

635 _____ (b) Exception. Audio recordings of executive session portions of a meeting
636 _____ shall not be required.

638 Article VII. Amendments

639 ~~1.~~ 7-1. Amendments. At the first regular meeting following certification of election
640 results, and _____ annually thereafter, a review of these Bylaws
641 will bylaws shall be conducted in order by the _____ OTEC to
642 determine that they are current.

643 2. (a) _____ The Oneida Trust/Enrollment Committee ~~OTEC~~, upon written notice,
644 may, at any of its Regular/regular meetings, of an _____ established quorum by

645 majority vote of ~~voting~~the members, present, ~~adopt,~~ at the meeting, amend,
646 or repeal any or all sections of ~~the Bylaws~~these bylaws; provided ~~that,~~ the
647 proposed amendment or request for repeal ~~has been~~is submitted ~~in writing at~~
648 ~~the previous regular monthly meeting~~to the Oneida Business Committee.

649 (1) All Any amendments ~~are subject to subsequent approval by~~to these
650 bylaws shall conform to the requirements of the Boards,
651 Committees and Commissions law and any other policy
652 of the Nation.

653 3. Amendments or repeals to these bylaws shall be approved by the Oneida
654 Business Committee and, when necessary, the Oneida General Tribal
655 Council.
656

657
658
659
660 Approved by Oneida Trust/Enrollment Committee: February 28, 2012

661
662 Approved by General Tribal Council: July 2, 2012
663
664
665
666
667
668
669
670

671 **CERTIFICATION**
672

673 ~~I, the undersigned, as Chairperson of the Oneida Trust/Enrollment Committee, hereby certify that the~~
674 ~~Bylaws, as amended and revised, were adopted by the Oneida Trust/Enrollment Committee on the ____~~
675 ~~day of _____, 2012.~~

676
677 _____

678 ~~Carole Liggins, Chairperson~~
679 ~~Oneida Trust/Enrollment Committee~~

680
681
682
683 ~~I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General~~
684 ~~Tribal Council, in session with a quorum of ____ members present, at a meeting duly called, noticed and~~
685 ~~held on the ____ day of _____, 2012; that the foregoing bylaws were duly adopted at such meeting~~
686 ~~by a two-thirds vote of those present and that said bylaws have not been amended in any way.~~

687
688 _____

689 ~~Patricia Hoeft, Tribal Secretary~~
690 ~~Oneida Business Committee~~

691
692
693
694 (b) before implementation.



Oneida Trust Enrollment Committee Bylaws Amendments Legislative Analysis

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Amendments	<ul style="list-style-type: none"> ○ To comply with the September 2018 amendments to the Boards, Committees and Commissions law (“BCC Law”), which provide that, within a reasonable time after the BCC 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 BCC Law, including: <ul style="list-style-type: none"> • The process for filling vacancies on the Oneida Trust Enrollment Committee (“OTEC”); • The qualifications necessary for membership on the OTEC; • The Officer positions on the OTEC, 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 OTEC; • The process for terminating and/or removing a member of the OTEC; • The requisite training/conferences for members of the OTEC; • Stipend eligibility; and • The process for further amendments to the OTEC bylaws. <i>[1 O.C. 105.10-1(a)].</i> ○ To comply with the directive from the Oneida Business Committee (“OBC”) to include certain across-the-board amendments to all of the boards, committees and commissions’ bylaws that have not been expressly granted an exception.
Purpose	The OTEC was established by the Oneida General Tribal Council (“GTC”) through resolution GTC-04-28-74 to be responsible for all aspects of the Nation’s Tribal enrollment and trust assets.
Related Legislation	Oneida Nation Constitution; Administrative Rulemaking law; Administrative Procedures Act; Legislative Procedures Act; Per Capita law; Trust Scholarship Fund Policy; Membership Ordinance; Endowments law; Children’s Burial Fund law; General Tribal Council Meeting Stipend Payment Policy; BCC Law; Election law; Removal Law; Social Media Policy; Oneida Travel and Expense Policy; Conflict of Interest law; Open Records and Open Meetings law; Vehicle Driver Certification and Fleet Management law.
Enforcement/Due Process	OTEC members are elected under the Nation’s Election law and vacancies in un-expired terms are filled by the OBC pursuant to the BCC Law. <i>[Proposed Bylaws 1-5(b) and (c)].</i> Elected OTEC members may be removed from their position under the Removal Law and appointed OTEC members may be terminated from their positions by the OBC in accordance with the BCC Law. <i>[Proposed Bylaws 1-6].</i> Upon recommendation of an OBC member or the OTEC, an OTEC member may have his or her appointment terminated by the OBC by a two-thirds majority vote. The OTEC’s recommendation for termination must be approved by majority vote of the OTEC members present at an OTEC meeting of an established quorum <i>[Proposed Bylaws 1-6(c)]</i> and OBC’s decision to terminate an OTEC member’s appointment is final <i>[1 O.C. 105.7-4].</i>

Public Meeting	Public meetings are not required for bylaws.
Fiscal Impact	A fiscal impact statement is not required for bylaws.

SECTION 2. BACKGROUND

- 1
2 A. Bylaws provide a framework for the operation and management of a board, committee or commission
3 of the Nation; the government of its members; and the regulation of its affairs. [1 O.C. 105.3-1(d)].
4 B. The OTEC was established by the GTC through resolution GTC-04-28-74 titled, *GTC Establishment*
5 *of Trust Committee to be Responsible for Administration and Disposition of Trust Monies with*
6 *\$1,000,000 Maintained for Developmental Purposes and not Dissolved Through Per Capita*
7 *Distributions*. Its bylaws were last updated on July 2, 2012.
8 C. In December of 2015, requests were made by both the OTEC and a community member to add OTEC's
9 bylaws to the Active Files List for amendment. The requests were deferred pending the adoption of
10 amendments to the BCC Law that were being processed.
11 D. On September 26, 2018, the OBC adopted amendments to the BCC Law through resolution BC-09-26-
12 18-C. Per section 105.10-1(a), within a reasonable time after the BCC Law's adoption, all existing
13 boards, committees and commissions of the Nation were required to amend their bylaws to comply
14 with the format requirements and to add the minimal amount of information prescribed the BCC Law.
15 E. This item was added to the Active Files List on September 6, 2017 for purposes of amending OTEC's
16 bylaws to comply with the recent amendments to the BCC Law. After a deferment from the OBC, this
17 item was carried over from the 2017-2020 term and added back on to the Active Files List on October
18 7, 2020 for finalization, with Kirby Metoxen as the sponsor.
19

SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- 20
21 A. The proposed bylaws comply with the requirements of the Boards, Committees and Commissions law
22 [1 O.C. 105.10].
23 B. The proposed bylaws comply with resolution BC-08-12-20-C titled, *Amended Boards, Committees and*
24 *Commissions Law Stipends*, which sets forth the types, dollar amounts, and eligibility requirements for
25 stipends under the BCC Law [1 O.C. 105.13].
26 C. The proposed bylaws comply with resolution BC-03-27-19-D titled, *Oneida Business Committee and*
27 *Joint Meetings with Boards, Committees and Commissions – Definitions and Impact*.
28

SECTION 4. AMENDMENTS

29 This section details the changes to the bylaws from the previously adopted bylaws.
30

A. Article I. Authority.

- 31
32 ■ **Section 1-5(a) – Number of Members.** This section was amended to require that the Nation's
33 Treasurer be the OBC member who sits as a member of the OTEC. [Proposed Bylaws 1-5(a)].
34 Currently, any OBC member could arguably fill the seat on the OTEC that is reserved for a member
35 of the OBC. [OTEC Bylaws 4(A)].
36 ■ **Section 1-5(b) – Election.** Members are elected to the OTEC pursuant to the Nation's Election law.
37 [OTEC Bylaws 4(A) & Proposed Bylaws 1-5(b)]. A provision was added to this section, per section
38 105.6-2(a)(1) of the BCC Law, to allow an OTEC members whose term has expired to remain in
39 office until a successor is sworn in by the OBC [Proposed Bylaws 1-5(b)(1)(A)]. This section was
40 also revised to make the process for resigning from the OTEC consistent with the BCC Law. Under
41 the proposed bylaws, an OTEC member may resign at any time either by:
42 ○ Verbally notifying the OTEC during an OTEC meeting of an established quorum; or
43 ○ Delivering written notice to the Business Committee Support Office and the OTEC
44 Chairperson or Chairperson's designee. [Proposed Bylaws 1-5(b) & 1 O.C. 105.6-2(d)].

- 45 ▪ **Section 1-5(c) – Vacancies.** This section was revised to make the process for filling vacancies in
46 unexpired terms consistent with the BCC Law, which is that vacancies in unexpired terms are to be
47 filled by appointment by the OBC. [*Proposed Bylaws 1-5(c)(2) & 1 O.C. 105.7-1*].
48 ○ Although the OBC will ultimately decide who to appoint to fill a vacancy in an unexpired
49 term, a provision was added to this section that will require the OTEC Chairperson to
50 provide the OBC with a recommendation for appointment, with the recommendation being
51 decided by a majority vote of the members present at an OTEC meeting of an established
52 quorum. [*Proposed Bylaws 1-5(c)(2)(A) – (B)*].
- 53 ▪ **Section 1-6 – Termination/Removal.** This section was revised to make the removal and termination
54 of members from the OTEC consistent with the requirements set forth in the BCC Law. [*1 O.C.*
55 *105.7-4*].
56 ○ Elected Members of the OTEC. Under the proposed bylaws, elected members of the OTEC
57 would be removed from their seats in accordance with the Nation’s Removal law.
58 [*Proposed Bylaws 1-6(a)*].
59 ○ Appointed Members of the OTEC. Under the proposed bylaws, appointed members of the
60 OTEC would be terminated by the OBC in accordance with the BCC Law. [*Proposed*
61 *Bylaws 1-6(c)*].
62 • The OTEC may petition for removal of a member or submit a recommendation to
63 the OBC for the termination of a member’s appointment, so long as approved by a
64 majority vote of the members present at an OTEC meeting of an established
65 quorum. [*Proposed Bylaws 1-6(c)*].
- 66 ▪ **Section 1-7 – Trainings and Conferences.** This section was added to the proposed bylaws for
67 purposes of listing the trainings and/or conferences that are mandatory for OTEC members to
68 attend. [*Proposed Bylaws 1-7*]. Per the BCC Law, members of an entity are not eligible to receive
69 stipends for attending a conference/training unless their attendance was mandated by law, bylaws
70 or resolution. [*1 O.C. 105.13-8*]. By identifying these trainings/conferences as mandatory, this pre-
71 requisite is satisfied.
72 ○ Per the directive of the OBC, the following limitation was added to all bylaws that are
73 governed by the BCC Law:
74 • Regardless of the number of trainings/conferences that he or she is required to
75 attend, no member of the OTEC shall be eligible to receive stipends for attending
76 more than five (5) full days of mandatory trainings/conferences per year.
77 [*Proposed Bylaws 1-7(c)*].
78 • Impact: By adding a limitation on the number of mandatory trainings/conferences
79 a member may receive a stipend for in a one-year period, the OTEC is not being
80 limited in the amount of training/conferences it can require its members to attend.
81 Rather, it is limiting the number of trainings/conferences that would be considered
82 stipend eligible. This provides an avenue for protecting the Nation from the fiscal
83 burden that could ensue if stipend eligibility restrictions were not put in place,
84 while preserving OTEC’s autonomy in deciding how many trainings/conferences
85 it feels are necessary for members to attend.
86
- 87 **B. Article II. Officers.**
- 88 ▪ **Section 2-2 – Responsibilities of the Chairperson.** The following items were added to the Chair-
89 person’s assigned responsibilities under this section of the proposed bylaws:
90 ○ To submit, either personally or through a designee, annual and semi-annual reports to the
91 GTC, as well as quarterly reports to the OBC, in accordance with the BCC Law [*Proposed*
92 *Bylaws 2-2(e)*]; and
93 ○ To attend, or designate an OTEC member to attend, the OBC meeting in which OTEC’s
94 quarterly report appears on the agenda [*Proposed Bylaws 2-2(f)*].

- 95 • *Impact:* The BCC Law requires that entities provide certain reports to the GTC, as
96 well as the OBC, in the manner prescribed therein and that at least one (1) member
97 of the entity attend the OBC meeting where their quarterly report appears on the
98 agenda. [1 O.C. 105.12-3]. By assigning these duties to the ONEPC Chairperson,
99 it creates an extra layer of oversight to ensure compliance with the law.
- 100 ▪ **Section 2-4 – Responsibilities of the Secretary.** The following item was added to the Secretary’s
101 assigned responsibilities under this section of the proposed bylaws:
102 ○ In the event that both the Chairperson and Vice-Chairperson positions become vacant
103 before the end of their terms, a provision was added that allows the Secretary to call OTEC
104 meetings to fill the vacancies and to preside over those meetings for the sole purpose of
105 conducting an election of new Officers, at which point the Chairperson, or Vice-
106 Chairperson in the absence of the Chairperson, would preside. [Proposed Bylaws 2-4(b)].
- 107 ▪ **Section 2-6 – Selection of Officers.** The following items were added to this section of the proposed
108 bylaws.
109 ○ A provision was added that allows for OTEC members to be dismissed from their Officer
110 positions by a majority vote of the members present at an OTEC meeting of an established
111 quorum. [Proposed Bylaws 2-5(c)].
112 • *Impact:* This provision applies only to Officer positions on the OTEC, meaning
113 that an OTEC member may be stripped of his or her Officer position by a majority
114 vote of the OTEC, but would remain an OTEC member unless terminated or
115 removed in accordance with governing law.
116 ○ A second provision was added to clarify that Officers of the OTEC shall not be allowed to
117 hold more than one (1) Officer position per Officer term. [Proposed Bylaws 2-5(a)].
- 118 ▪ **Section 2-7 – Purchases and Travel.** Per the BCC Law, this section of the proposed bylaws must
119 identify how the OTEC intends to approve purchases and/or travel on its behalf. [1 O.C. 105.10-3
120 (b)(6)]. It was updated as follows to comply therewith:
121 ○ OTEC must follow the Nation’s policies and procedures regarding purchasing and sign-off
122 authority [Proposed Bylaws 2-6];
123 ○ OTEC’s level of budgetary sign-off authority must be consistent with the manual titled,
124 *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Divisional
125 Directors/Tribal School Chairperson/Trust Committee/Gaming Director [Proposed By-
126 laws 2-6(a)];
127 ○ All OTEC Officers will have sign-off authority and two (2) Officers will be required to
128 sign-off on all budgetary requests [Proposed Bylaws 2-6(a)(1)]; and
129 • Upon approval by the OTEC Officers, the Business Committee Support Office will
130 have official budgetary sign-off authority for the OTEC. [Proposed Bylaws 2-6(a)
131 (1)(A)].
132 ○ OTEC must approve a member’s request to travel on its behalf by majority vote of the
133 members present at a regular or emergency OTEC meeting of an established quorum
134 [Proposed Bylaws 2-6(b)].

135
136 **C. Article III. Meetings**

- 137 ▪ **Section 3-1 – Regular Meetings.** Per the BCC Law, this section of the proposed bylaws must
138 identify, at a minimum, when and where regular meetings of the OTEC will be held and how the
139 OTEC intends to provide notice of the meeting agenda, documents and minutes. [1 O.C. 105.10-3
140 (c)].
141 ○ Under its current bylaws, the OTEC is required to meet the first Tuesday of each month
142 for Enrollments, and the fourth Tuesday of each month for the Trust, with the time and
143 place of such meetings to be established by the OTEC. [OTEC Bylaws 1(A)]. Because this

144 section only vaguely addresses when and where regular meetings of the OTEC must be
145 held, the following provisions were added to ensure compliance with the BCC Law:

- 146 • That, but for the months of February and August wherein the OTEC shall meet on
147 the third Tuesday of each month, the OTEC shall meet on the fourth Tuesday of
148 each month, commencing at 5:00 p.m. in the Trust Enrollment Department located
149 at 210 Elm Street in Oneida, Wisconsin. [*Proposed Bylaws 3-1(a)*]; and
- 150 • That, the OTEC meeting date, time and/or location may change from time-to-time
151 as determined by a majority vote of the members present at an OTEC meeting of
152 an established quorum so long as notice is provided in accordance with the Open
153 Records and Open Meetings law prior to implementation of a new date, time and/or
154 location [*Proposed Bylaws 3-1(a)(2)*];
 - 155 ➤ *Impact:* The above provisions not only ensure compliance with the minimal
156 requirements for this section under the BCC Law, but offer OTEC flexibility
157 by allowing for the established date, time and/or location of its meetings to
158 change when deemed necessary by majority vote; provided, the OTEC affords
159 public notice of such change or changes in advance of implementation.
- 160 • That, in addition to requirements already set forth in its current bylaws, notice of
161 OTEC meetings must further be provided in accordance with the Open Records
162 and Open Meetings law [*Proposed Bylaws 3-1(b)*]; and
- 163 • That, OTEC meetings may be attended in person, by telephone, through video
164 conferencing or through other telecommunications; provided, the presence of any
165 member attending a meeting virtually is demonstrated in accordance with the BCC
166 Law [*Proposed Bylaws 3-1(a)*].
 - 167 ➤ *Impact:* With the COVID-19 pandemic, the Nation was forced to adjust many
168 of its customary practices, including how it holds meetings by conducting them
169 virtually or with very limited access to the public. This provision gives similar
170 flexibility to the OTEC to allow for the same so long as the following occurs
171 in compliance with the BCC Law:
 - 172 (1) OTEC demonstrates the presence of its members during a meeting by
173 taking roll call on the record at both the beginning and end of the
174 meeting; and
 - 175 (2) If an OTEC member has a technological issue during a meeting and it
176 disrupts the member's presence, he or she notifies the OTEC of the
177 technological issue as soon as possible. [*1 O.C. 105.13-3(c)-(d)*].
- 178 ■ **Section 3-3 – Emergency Meetings.** Per the BCC Law, this section of the proposed bylaws must,
179 at a minimum, identify what constitutes an emergency; how emergency meetings are to be called;
180 and how notice of an emergency meeting must be provided. [*1 O.C. 105.10-3*]. Currently, the
181 OTEC's bylaws provide that "[t]he Chairperson may call Emergency/Special meetings" and that
182 there "shall be a minimum of 24 hour verbal notice to all Committee members of any emergency
183 and/or special meeting." [*OTEC Bylaws 2(A)*]. In order to comply with the BCC Law, the term
184 "special meeting" was deleted from this section and the following was added:
 - 185 ○ That, an emergency meeting of the OTEC may be called when there is an imminent issue
186 that needs to be addressed by the OTEC before its next regular meeting which requires a
187 thorough discussion, and thus, cannot be done by e-poll [*Proposed Bylaws 3-2*];
 - 188 ○ That, the Trust Enrollment Department must provide notice of an emergency meeting to
189 all OTEC members in writing, as well as by telephone call, at least twenty-four (24) hours
190 before the scheduled meeting and must further provide notice in accordance with the
191 Nation's Open Records and Open Meetings law [*Proposed Bylaws 3-2(b)*]; and
 - 192 ○ That, within seventy-two (72) hours of holding an emergency meeting, the OTEC shall
193 provide the Nation's Secretary with notice of the emergency meeting, the reason for the

194 emergency meeting, and an explanation of why the matter could not wait for a regular
195 meeting [*Proposed Bylaws 3-2(c)*].

- 196 ▪ **Section 3-4 – Quorum.** This section was amended to require that at least five (5) OTEC members
197 be present to establish a quorum. [*Proposed Bylaws 3-4*].

198
199 **D. Article IV. Expectations.** This article was added to the proposed bylaws to satisfy the requirements of
200 the BCC Law. [*1 O.C. 105.10-3(d)*].

- 201 ▪ **Section 4-1 – Behavior of Members.** Per the BCC Law, this section of the proposed bylaws must,
202 at a minimum, identify the behavioral expectations and requirements of an OTEC member and how
203 the OTEC will enforce such expectations/requirements. [*1 O.C. 105.10-3(d)*]. Under its current
204 bylaws, the OTEC has a list of behavioral expectations that its members must follow; however,
205 they are located throughout various sections of the bylaws. To comply with the BCC Law, these
206 items were compiled and placed under this section of the proposed bylaws. [*Proposed Bylaws 4-*
207 *1*].

- 208 ▪ **Section 4-2 – Prohibition of Violence.** This section prohibits OTEC members from committing
209 any intentionally violent act that inflicts, attempts to inflict or threatens to inflict emotional or
210 bodily harm on another person or damage to personal property. [*Proposed Bylaws 4-2*]. It was
211 added to comply with the minimum requirements of the BCC Law. [*1 O.C. 105.10-3(d)(2)*].

- 212 ▪ **Section 4-3 – Drug and Alcohol Use.** This section prohibits drug and alcohol use by an OTEC
213 member when acting in his or her official capacity. [*Proposed Bylaws 4-3*]. It was added to comply
214 with the BCC Law [*1 O.C. 105.10-3(d)(3)*].

215
216 **E. Article V. Stipends and Compensation.**

- 217 ▪ **Section 5-1. Stipends.** This section was updated to comply with the BCC Law.
 - 218 ○ As updated, OTEC members are eligible to receive the following stipends, subject to the
219 BCC Law and resolution BC-08-12-20-C titled, *Amended Boards, Committees and*
220 *Commissions Law Stipends*:

- 221 • No more than twenty-four (24) meeting stipends per fiscal year, provided that:
 - 222 (1) A quorum was established;
 - 223 (2) The meeting of the established quorum lasted for at least one (1) hour; and
 - 224 (3) The member collecting the stipend was present for the entire meeting as
225 defined, as well as demonstrated, in accordance with the BCC Law.
- 226 • A stipend for attending a duly called joint meeting between the OTEC and the
227 OBC, provided that:
 - 228 (1) A quorum was established by the OTEC;
 - 229 (2) The joint meeting lasted for at least one (1) hour; and
 - 230 (3) The member collecting the stipend was present for the entire joint meeting as
231 defined, as well as demonstrated, in accordance with the BCC Law.
- 232 • A stipend for attending an Oneida Judiciary hearing so long as the member’s
233 attendance at the hearing is required by official subpoena.
- 234 • A stipend for attending an official hearing of the OTEC.
- 235 • A stipend for attending a conference or training, provided that:
 - 236 (1) The amount of the stipend a member is eligible to receive for attending a
237 conference or training shall be dependent on whether the member attended up
238 to four (4) hours of a conference/training or more than four (4) hours of a
239 conference/training; and
 - 240 (2) The member’s attendance at the conference or training was required by law,
241 bylaws or resolution.

242
243

244 **F. Article VI. Records and Reports.**

- 245 ▪ **Section 6-2 – Minutes.** Under the BCC Law, this section must, at a minimum, identify the format
246 for meeting minutes and a reasonable timeframe in which minutes are to be submitted to the
247 Business Committee Support Office. [*1 O.C. 105.10-3(f)(2)*]. To get this section in compliance
248 with the BCC Law, the following provisions were added:
249 ○ That, OTEC meeting minutes and agenda must be submitted to the Business Committee
250 Support Office within thirty (30) days of their approval. [*Proposed Bylaws 6-2(a)*].
251 ▪ **Section 6-4 – Oneida Business Committee Liaison.** This section was added and drafted in a manner
252 that removes any indication it governs the conduct of the OBC member appointed to be the OTEC’s
253 liaison.
254 ▪ **Section 6-5 – Audio Recordings.** This section was added to comply with the minimal requirements
255 of the BCC Law. It requires that all meetings of the OTEC be audio recorded unless the OTEC
256 goes into executive session. [*Proposed Bylaws 6-5*].
257

258 **G. Article VII. Amendments.**

- 259 ▪ **Section 7-1 – Amendments to Bylaws.** In order to comply with the BCC Law and an OBC directive,
260 respectively, the following provisions were added to this section of the OTEC bylaws:
261 ○ That, any amendments to the OTEC bylaws must conform to the requirements of the BCC Law,
262 as well as any other policy of the Nation [*Proposed Bylaws 7-1(a)*]; and
263 ○ That, amendments or repeals to the OTEC bylaws must be approved by the OBC before
264 implementation. [*Proposed Bylaws 7-1(b)*].
265

266 **SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS**

267 There are no conflicts between the proposed bylaws amendments and the Oneida Code of Laws. Below is
268 a summary of laws referenced in and related to the proposed amendments to the Oneida Trust Enrollment
269 Committee’s bylaws.
270

- 271 A. **Oneida Nation Constitution.** The Constitution of the Oneida Nation contains a provision that allows
272 for the creation of committees for the proper conduct of tribal business of the Nation. [*Oneida Nation*
273 *Constitution, Article IV, Section 1(g)*]. There are no conflicts between the proposed bylaws amendments
274 and the Oneida Nation Constitution.
275
276 B. **Administrative Procedures Act [1 O.C. Chapter 101].** This law details the procedures used by OTEC
277 to conduct hearings for disputes arising under Oneida law. The OTEC has been granted hearing body
278 authority under the following laws of the Nation:
279 (1) The Membership Ordinance [*1 O.C. Chapter 124*]; and
280 (2) The General Tribal Council Meeting Stipend Payment Policy [*1 O.C. Chapter 111*].
281

282 The proposed bylaws comply and are not in conflict with the Nation’s Administrative Procedures Act.
283

- 284 C. **Administrative Rulemaking [1 O.C. Chapter 106].** This law governs the administrative rulemaking
285 process for the adoption and amendment of administrative rules by authorized agencies of the Nation.
286 The OTEC is considered an authorized agency and also an entity under this law. The OTEC is required
287 to follow the administrative rulemaking procedures contained in this law for the promulgation of all
288 rules when delegated rulemaking authority to act as an authorized agency. Administrative rulemaking
289 authority must be delegated by a law of the Nation to implement, interpret and/or enforce a law of the
290 Nation. Administrative rules developed under this law have the same force and effect as the law that
291 delegated the authority to the authorized agency.
292

293 The OTEC has been delegated administrative rulemaking authority as an authorized agency under the
294 following laws of the Nation:

- 295 (1) The Membership Ordinance [1 O.C. Chapter 124]; and
- 296 (2) The Per Capita law [1 O.C. Chapter 123].

297
298 The proposed bylaws comply and are not in conflict with the Nation’s Administrative Rulemaking law.
299

- 300 D. **Membership Ordinance [1 O.C. Chapter 124].** This law governs the implementation of membership
301 enrollment procedures according to the Oneida Constitution and authorizes OTEC to be the official
302 committee designated by the GTC to be responsible for all aspects of Oneida tribal enrollment including
303 maintaining the official roll of the Oneida Nation, enrollment procedure and appeals/review of
304 enrollment decisions. [1 O.C. 124.3-1(e)]. There are no conflicts between the proposed bylaws
305 amendments and the Nation’s Membership Ordinance.
306
- 307 E. **Per Capita Law [1 O.C. Chapter 123].** This law governs how per capita payments are distributed to
308 Members of the Oneida Nation and assigns certain responsibilities set forth therein to the OTEC. [1
309 O.C. 123.4-5]. There are no conflicts between the proposed bylaws amendments and the Nation’s Per
310 Capita law.
311
- 312 F. **Trust Scholarship Fund Policy [9 O.C. Chapter 901].** This law governs the establishment of a trust
313 fund for providing financial aid scholarships to assist eligible enrolled Oneida Members in securing
314 higher educational opportunities. The OTEC is responsible for the management of the fund, including
315 the drawdown of the fund for scholarship allocation [9 O.C. 901.8-1]. There are no conflicts between
316 the proposed bylaws amendments and the Nation’s Trust Scholarship Fund Policy.
317
- 318 G. **Endowments Law [1 O.C. Chapter 131].** This law governs the establishment and maintenance of all
319 endowment fund accounts established by the Nation. The OTEC has exclusive control of the investment
320 and collection of principal, interest and investments of all monies deposited in, and income derived
321 from, all Oneida Nation endowment accounts. [1 O.C. 131.6-1]. The OTEC is authorized to hire a
322 director on its behalf to submit quarterly itemized financial reports of all endowment fund accounts to
323 OTEC and the Office of the Nation’s Treasurer [1 O.C. 131.7]. There are no conflicts between the
324 proposed bylaws amendments and the Nation’s Endowments law.
325
- 326 H. **Children’s Burial Fund Law [1 O.C. Chapter 129].** This law provides financial assistance towards
327 the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the
328 Nation. [1 O.C. 129.1-1]. Decisions of the Oneida Trust Enrollment Department as to the eligibility of
329 a deceased child for financial assistance from the Children’s Burial Fund are appealed to the OTEC. [1
330 O.C. 129.7-1]. There are no conflicts between the proposed bylaws amendments and the Children’s
331 Burial Fund law.
332
- 333 I. **General Tribal Council Meeting Stipend Payment Policy [1 O.C. Chapter 111].** This law governs
334 payments of stipends for attendance at GTC meetings. Eligible GTC members are eligible for a stipend
335 for attending GTC meetings when a quorum is established and maintained and where official business
336 of the Nation is conducted. OTEC is granted hearing body authority under this law to hear appeals of
337 the Trust Enrollment Departments decisions made hereunder. [1 O.C. 111.6-2]. There are no conflicts
338 between the proposed bylaws amendments and the General Tribal Council Meeting Stipend Payment
339 Policy.
340
- 341 J. **Boards, Committees and Commissions [1 O.C. Chapter 105].** This law governs the establishment,
342 composition and operation of the Nation’s elected and appointed boards, committees and commissions.
343 It establishes the procedures for appointing/electing people to a board, committee or commission; the

344 mandate for creating bylaws and the minimal information to be included therein; the recording and
345 record keeping requirements relating to board, committee and commission meetings, including the
346 manner in which information is reported to the OBC and the GTC; the eligibility requirements for
347 stipends, compensation and reimbursement; and other processes relating to the operation of the Nation’s
348 boards, committees and commissions.

349
350 With respect to the creation of bylaws, the law sets the format requirements and the minimal amount
351 of information that needs to be contained within an entity’s bylaws. It further provides that all of the
352 Nation’s boards, committees and commissions, governed by the law, are required to present bylaws to
353 the OBC for adoption that comply with the law and that said bylaws be presented within a reasonable
354 amount of time following the law’s adoption. The proposed bylaws contain the requisite formatting, as
355 well as information, and do not conflict with any other provision of the law.

356
357 **K. Election Law [1 O.C. Chapter 102].** This law governs the process for election of a member to OTEC.
358 The Election law governs the procedures for the conduct of orderly elections of the Nation, including
359 pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. There are no conflicts
360 between the proposed bylaws and the Nation’s Election law.

361
362 **L. Removal Law [1 O.C. Chapter 104].** This law governs the process for removing an elected member
363 of the OTEC. OTEC members that are elected by the qualified voting membership of the Nation are
364 subject to this law. This law contains due process measures related to specific causes for removal,
365 petition requirements, preliminary review by the Judiciary, a hearing that includes potential witnesses
366 and a burden of proof by a person seeking the removal by clear and convincing evidence that ground(s)
367 for removal exist and a Special GTC Meeting that requires a 2/3 affirmative majority vote. There are
368 no conflicts between the proposed bylaws and the Nation’s Removal law.

369
370 **M. Social Media Policy [2 O.C. Chapter 218].** This law regulates social media accounts, including how
371 content is managed and who has the authority to post on social media on behalf of the Nation. OTEC
372 members are required to follow the Nation’s Social Media Policy, as well as their Oath of Office, when
373 acting in their official capacity as an ONEPC member. [Proposed Bylaws 4-4]. There are no conflicts
374 between the proposed bylaws and the Nation’s Social Media Policy.

375
376 **N. Travel and Expense Policy [2 O.C. Chapter 219].** Members of OTEC are eligible to be reimbursed
377 for travel and per diem to attend a conference or training in accordance with this policy. All travel must
378 be authorized by the sign-off authority listed in the proposed bylaws and in a manner that is consistent
379 with this law. [2 O.C. 219.4-2]. There are no conflicts between the proposed bylaws and the Nation’s
380 Travel and Expense Policy.

381
382 **O. Conflict of Interest Law [2 O.C. Chapter 217].** This law establishes specific limitations on the
383 handling, as well as sharing, of information or materials that are confidential in nature or could be used
384 by the Nation’s competitors and/or providers during the negotiation process to the detriment of the
385 Nation. [2 O.C. 217.1-1]. It applies to the Nation’s employees, contractors, elected officials, officers,
386 political appointees and appointed/elected members of the Nation’s boards, committees and
387 commissions. [2 O.C. 217.1-1]. With respect to conflicts of interest, the proposed bylaws state that
388 OTEC members shall abide by all laws of the Nation governing conflicts of interest. [Proposed Bylaws
389 4-5]. The proposed bylaws comply and do not conflict with the Nation’s Conflict of Interest law.

390
391 **P. Open Records and Open Meetings Law [1 O.C. Chapter 107].** This law sets the requirements for
392 how meetings of the Nation’s governmental bodies shall be conducted and how materials from that
393 meeting maintained, as well as made available to the public. [1 O.C. 107.1 & 107.12]. “Governmental
394 bodies” encompasses most of the Nation’s boards, committees and commissions, the OTEC included.

395 [1 O.C. 107.31(d)]. Absent an exception, meetings of a governmental body are to be open to the public
396 and the materials therefrom available for public inspection so long as they constitute a “record” as
397 defined within the law. [1 O.C. 107.15 & 107.17]. In addition, the law provides the minimum
398 requirements for how notice of a governmental meeting must be provided, as well as accessible, to the
399 public. [1 O.C. 107.15-1]. The proposed bylaws assign the responsibility for noticing meetings of the
400 OTEC and maintaining all materials therefrom to the OTEC Secretary/Trust Enrollment Department.
401 Written notice of meeting agendas, documents and minutes is to be provided to all OTEC members at
402 least seventy-two (72) hours before each meeting and to the public in accordance with the Nation’s
403 Open Records and Open Meetings law. [Proposed Bylaws 3-1]. The proposed bylaws comply and are
404 not in conflict with the Nation’s Open Records and Open Meetings law.
405

406 Q. **Vehicle Driver Certification and Fleet Management Law [2 O.C. Chapter 210]**. This law establishes
407 standards for individuals who drive a fleet vehicle or personal vehicle on official business and regulates
408 the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1]. The OTEC is considered an
409 entity and OTEC members considered officials who are authorized to travel on behalf of and in vehicles
410 owned by the Nation. [2 O.C. 210.3-1(g) & (j)]. The proposed bylaws comply and are not in conflict
411 with the Nation’s Vehicle Driver Certification and Fleet Management law.

March 2021

March 2021

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April 2021

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 28	Mar 1	2	3 8:30am LOC Prep (BC_Conf_Room) - Clorissa N. Santiago 9:00am LOC Meeting (BC_Conf_Room) - LOC	4	5	6
7	8	9	10	11 1:30pm LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	12	13
14	15	16	17 8:30am LOC Prep (BC_Conf_Room) - Clorissa N. Santiago 9:00am LOC Meeting (BC_Conf_Room) - Clorissa	18	19	20
21	22	23	24	25 9:00am LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	26	27
28	29	30	31	Apr 1	2	3