



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2<sup>nd</sup> 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)
3. Oneida Trust Enrollment Committee Bylaws Amendments (pg. 91)

**IV. New Submissions**

**V. Additions**

**VI. Administrative Updates**

**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

<b>Submission Date:</b> 3/17/20	<b>Public Meeting:</b> 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.
<b>LOC Sponsor:</b> David P. Jordan	<b>Emergency Enacted:</b> 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

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**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 ~~(o)~~ (n) “Oneida Nation Emergency Planning Committee” means the committee that assists  
 79 the Director in the implementation of this law.

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

81 ~~(q)~~ (p) “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

(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.

(~~f~~g) “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” 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 Department**

302.4-1. The Emergency Management 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 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 which requires all federal, state, local, and tribal governments to administer the best practices contained in the NIMS;

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

(f) ensure that the following occurs:

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

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

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

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

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.*

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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

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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>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ Amend title from Emergency Management and Homeland Security law to the Emergency Management law;</li> <li>▪ Revise references to Oneida Community Health Services to Comprehensive Health Division;</li> <li>▪ Include a definition for “emergency;”</li> <li>▪ Revise the title of the Emergency Management and Homeland Security Agency to Emergency Management Department;</li> <li>▪ Remove a provision regarding the Public Safety Officers’ Benefits Program from the law because it is provided for in federal law;</li> <li>▪ Clarify that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer;</li> <li>▪ 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;</li> <li>▪ Remove provision that required the Oneida Community Health Services to be responsible for certain expenses of an infected individual;</li> <li>▪ Address the authority of the Community/Public Health Officer to organize the vaccinations of individuals during the Public Health Emergency;</li> <li>▪ Clarify exemptions to the requirements for vaccines;</li> <li>▪ Extend the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days;</li> <li>▪ 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;</li> <li>▪ 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;</li> <li>▪ 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;</li> <li>▪ Provide how the Emergency Core Decision Making Team will make declarations, and the duration of authority for those declarations;</li> <li>▪ Require that notification of any declaration be provided to the Oneida Business Committee within twenty-four (24) hours of a declaration being made;</li> <li>▪ 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;</li> </ul>

	<ul style="list-style-type: none"> <li>▪ 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</li> <li>▪ Provide that the Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law.</li> </ul>
<b>Purpose</b>	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].
<b>Affected Entities</b>	Community/Public Health Officer, Emergency Management Department
<b>Public Meeting</b>	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> ”
<b>Fiscal Impact</b>	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~~

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**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;

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

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

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

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

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

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

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

(a) ~~\_~~ to obtain vital resources and to bind the Nation for the fair market value thereof, upon approval of the Emergency Management/~~Homeland Security~~ purchasing agent, who is identified in the Emergency ~~Operations~~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 ~~Tribal~~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 (ONEPC)~~

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

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

302.5-3. ~~—~~ At the request of the Director, the ONEPCOneida 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. ~~Tribal~~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. — A person who is disabled or dies while serving as a public safety officer, as defined in the Public Safety Officers' Benefits Program, the spouse of that person and/or any children of that person may be eligible for benefits as determined by the Bureau of Justice Assistance under the Public Safety Officers' Benefits Program, 42 U.S.C. ch. 46, subch. XII.~~

302.6-2. The Nation may implement more strict policies or requirements than those issued by the 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.*

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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.*

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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

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

## 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 <sup>st</sup> Offense	2 <sup>nd</sup> 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

<b>Submission Date:</b> 10/7/20	<b>Public Meeting:</b> 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.
<b>LOC Sponsor:</b> David P. Jordan	<b>Emergency Enacted:</b> 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

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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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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  
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- 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  
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- 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  
15
- 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  
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- 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  
38
- 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  
41
- 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  
65
- 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>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ 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;</li> <li>▪ Revise the definition of “immediate family” to better reflect Oneida families;</li> <li>▪ Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund;</li> <li>▪ 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;</li> <li>▪ Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents;</li> <li>▪ 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;</li> <li>▪ 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;</li> <li>▪ 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;</li> <li>▪ 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;</li> <li>▪ Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application;</li> <li>▪ Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days; and</li> <li>▪ Adjust the appeal process to reflect reorganization of the Governmental Services Division.</li> </ul>
<b>Purpose</b>	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>
<b>Affected Entities</b>	Economic Support Services Department
<b>Public Meeting</b>	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> ”
<b>Fiscal Impact</b>	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)~~).~~  
32  
33

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.*

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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 niyukwanaʔtáyá***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.
- 62 (l) “Legal responsibility” means specific duties imposed upon a person to care or provide
- 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;

108 (b) Is the legal guardian of the applicant; or

109 (c) Has legal responsibility for the applicant.

110 125.4-4. Residency within the state of Wisconsin is not a prerequisite for assistance from the  
111 Fund.

112 125.4-5. The Fund is a fund of last resort and provides assistance when there is no other financial  
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;

144 (b) Emergency medical travel; and

145 (c) Other needs.

146

147 **125.6. Items Covered by the Fund**

148 125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic  
149 event, catastrophic illness or injury, or emergency event. Upon verification of a catastrophic event,  
150 catastrophic illness or injury, or emergency event, the Fund may be used for the following:

151 (a) COBRA Insurance Payments;

152 (b) Prescriptions not available through an Indian Health Services clinic;

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.*

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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

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

## 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

<b>Submission Date:</b> 12/15/15	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Kirby Metoxen	<b>Emergency Enacted:</b> n/a <b>Expires:</b> 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.<sup>‡</sup> 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

<sup>‡</sup>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, 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 **Article II. Officers**

263 **2-1. Officers.** The OTEC Officers shall consist of a Chairperson, Vice-Chairperson and  
264 ~~general knowledge of the~~ Secretary.

265  
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  
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659  
660 Approved by Oneida Trust/Enrollment Committee: February 28, 2012

661  
662 Approved by General Tribal Council: July 2, 2012  
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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"> <li>○ 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"> <li>• The process for filling vacancies on the Oneida Trust Enrollment Committee (“OTEC”);</li> <li>• The qualifications necessary for membership on the OTEC;</li> <li>• The Officer positions on the OTEC, as well as the process for selecting those Officers and the duties assigned to each specific Officer position;</li> <li>• The behavioral expectations of those serving on the OTEC;</li> <li>• The process for terminating and/or removing a member of the OTEC;</li> <li>• The requisite training/conferences for members of the OTEC;</li> <li>• Stipend eligibility; and</li> <li>• The process for further amendments to the OTEC bylaws. [<i>1 O.C. 105.10-1(a)</i>].</li> </ul> </li> <li>○ 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.</li> </ul>
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

- A. Bylaws provide a framework for the operation and management of a board, committee or commission of the Nation; the government of its members; and the regulation of its affairs. [1 O.C. 105.3-1(d)].
- B. The OTEC was established by the GTC through resolution GTC-04-28-74 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*. Its bylaws were last updated on July 2, 2012.
- C. In December of 2015, requests were made by both the OTEC and a community member to add OTEC's bylaws to the Active Files List for amendment. The requests were deferred pending the adoption of amendments to the BCC Law that were being processed.
- D. On September 26, 2018, the OBC adopted amendments to the BCC Law through resolution BC-09-26-18-C. Per section 105.10-1(a), within a reasonable time after the BCC Law's adoption, all existing boards, committees and commissions of the Nation were required to amend their bylaws to comply with the format requirements and to add the minimal amount of information prescribed the BCC Law.
- E. This item was added to the Active Files List on September 6, 2017 for purposes of amending OTEC's bylaws to comply with the recent amendments to the BCC Law. After a deferment from the OBC, this item was carried over from the 2017-2020 term and added back on to the Active Files List on October 7, 2020 for finalization, with Kirby Metoxen as the sponsor.

## SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

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

## SECTION 4. AMENDMENTS

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

### A. Article I. Authority.

- **Section 1-5(a) – Number of Members.** This section was amended to require that the Nation's Treasurer be the OBC member who sits as a member of the OTEC. [Proposed Bylaws 1-5(a)]. Currently, any OBC member could arguably fill the seat on the OTEC that is reserved for a member of the OBC. [OTEC Bylaws 4(A)].
- **Section 1-5(b) – Election.** Members are elected to the OTEC pursuant to the Nation's Election law. [OTEC Bylaws 4(A) & Proposed Bylaws 1-5(b)]. A provision was added to this section, per section 105.6-2(a)(1) of the BCC Law, to allow an OTEC members whose term has expired to remain in office until a successor is sworn in by the OBC [Proposed Bylaws 1-5(b)(1)(A)]. This section was also revised to make the process for resigning from the OTEC consistent with the BCC Law. Under the proposed bylaws, an OTEC member may resign at any time either by:
  - Verbally notifying the OTEC during an OTEC meeting of an established quorum; or
  - Delivering written notice to the Business Committee Support Office and the OTEC 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.

HANDOUT – OPTION B

**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;

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

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

61  
62 1-5. *Membership.*

63 (a) *Number of Members.* The OTEC shall be composed of nine (9) members;  
64 ~~one (1) of whom shall be the Nation's Treasurer.~~

65 (b) *Elected.* OTEC members shall be elected in accordance with the Nation's  
66 election laws and/or policies for three (3) year staggered terms.

67 (1) Members shall hold office until their term expires, they resign, or  
68 they are removed/terminated from office.

69 (A) A member whose term has expired shall remain in office  
70 until his or her successor is sworn in by the Oneida Business  
71 Committee.

72 (B) A member may resign at any time verbally during an OTEC  
73 meeting or by delivering written notice to the Business  
74 Committee Support Office and the OTEC Chairperson or  
75 Chairperson's designee.

76 (i) The resignation is deemed effective upon acceptance  
77 by OTEC motion of a member's verbal resignation  
78 or upon delivery of the written notices.

79 (c) *Vacancies.* Vacancies on the OTEC shall be filled as follows:

80 (1) *Expired Terms.* Vacancies caused by the expiration of a member's  
81 term shall be filled by election in accordance with the laws and/or  
82 policies of the Nation governing elections.

83 (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by  
84 appointment by the Oneida Business Committee pursuant to the  
85 Boards, Committees and Commissions law for the remainder of the  
86 unexpired term.

87 (A) The OTEC Chairperson shall provide the Oneida Business  
88 Committee with recommendations on all applications for  
89 appointment to fill a vacancy of an unexpired term per the  
90 process set by the Boards, Committees and Commissions  
91 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;

- 138 (c) Shall oversee all OTEC activities and meetings;
- 139 (d) Shall supervise the Trust Enrollment Director, inviting input from the
- 140 OTEC members for purposes of his or her evaluation;
- 141 (e) Shall, personally or through a designee, submit quarterly reports to the
- 142 Oneida Business Committee and annual/semi-annual reports to the Oneida
- 143 General Tribal Council in accordance with the Boards, Committees and
- 144 Commissions law, as well as any other applicable trust agreements/plan;
- 145 (f) Shall be present at, or designate an OTEC member to be present at, the
- 146 Oneida Business Committee meeting where the OTEC’s quarterly report
- 147 appears on the agenda; and
- 148 (g) Shall serve as an ex-officio member of all established subcommittees.
- 149

150 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the

151 Vice-Chairperson are as follows:

- 152 (a) Shall act with the same authority as the Chairperson in his or her absence.
- 153

154 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the

155 Secretary are as follows:

- 156 (a) With assistance from the Trust Enrollment Department and/or the Business
- 157 Committee Support Office, shall be responsible for keeping/taking minutes
- 158 of OTEC meetings; submitting copies of meeting minutes to the Business
- 159 Committee Support Office in accordance with the Boards, Committees and
- 160 Commissions law; and making meeting minutes available to all OTEC
- 161 members, as well as the public, pursuant to these bylaws and the Nation’s
- 162 Open Records and Open Meetings law; and
- 163 (b) In the event that both the Chairperson and Vice-Chairperson positions
- 164 become vacant before the end of their terms, shall call meetings to fill the
- 165 vacancies and preside over those meetings to conduct an election of new
- 166 Officers, at which point the Chairperson, or Vice-Chairperson in absence
- 167 of the Chairperson, shall preside.
- 168

169 2-5. *Selection of Officers.* Officers shall be elected by a majority vote of the members present

170 at the first OTEC regular monthly meeting of an established quorum that

171 follows the final result approval by the Oneida Business Committee of an

172 election of OTEC members.

- 173 (a) OTEC Officers shall serve one (1) year terms and shall not hold more than
- 174 one (1) Officer position per Officer term.
- 175 (1) If an Officer position is vacated, an interim election shall be held at
- 176 the next OTEC meeting to fill the position for the balance of the
- 177 year.
- 178 (b) Nominations for Officer positions may only be made by members who are
- 179 present, as defined within the Boards, Committees and Commissions law,
- 180 at the OTEC meeting to elect Officers.
- 181 (c) OTEC members may be dismissed from their Officer positions by majority
- 182 vote of the members present at an OTEC meeting of an established quorum.
- 183

- 184 2-6. *Purchases and Travel.* OTEC shall follow the Nation’s policies and procedures regarding  
185 purchasing and sign-off authority.  
186 (a) Levels of budgetary sign-off authority for the OTEC shall be as set forth in  
187 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies*  
188 *and Procedures*, for Divisional Directors/Tribal School Chairperson/Trust  
189 Committee/Gaming Director.  
190 (1) All OTEC Officers have sign-off authority and two (2) Officers shall  
191 be required to sign-off on all budgetary requests.  
192 (A) Upon approval by both Officers, the Business Committee  
193 Support Office shall have official budgetary sign-off  
194 authority for the OTEC.  
195 (b) The OTEC shall approve a member’s request to travel on its behalf by  
196 majority vote of the members present at a regular or emergency OTEC  
197 meeting of an established quorum.  
198
- 199 2-7. *Personnel.* The OTEC shall have the authority to hire a Trust Enrollment Director.  
200 (a) The hiring of a Trust Enrollment Director shall be conducted in accordance  
201 with the Nation’s Personnel Policies and Procedures law and shall be  
202 dependent upon available funding.  
203 (b) The duties of the Trust Enrollment Director shall be per the directive of the  
204 OTEC Chairperson or Chairperson’s designee and as set forth in the job  
205 description and/or documents governing the position.  
206

### 207 **Article III. Meetings**

- 208 3-1. *Regular Meetings.*  
209 (a) Subject to subsection (1) of this section, the OTEC shall meet on the fourth  
210 Tuesday of each month for regular business, commencing at 5:00 p.m., in  
211 the Trust Enrollment Department located at 210 Elm Street in Oneida, WI.  
212 Meetings of the OTEC may be attended in person, by telephone, through  
213 videoconferencing or through other telecommunications so long as presence  
214 of each member is demonstrated consistent with the Boards, Committees  
215 and Commissions law.  
216 (1) In February and August of each year, the OTEC shall meet on the  
217 third Tuesday of the month for Enrollment Meetings.  
218 (2) The OTEC may change its regular meeting date, time and/or  
219 location from time-to-time as it determines necessary by majority  
220 vote of the members present at an OTEC meeting of an established  
221 quorum so long as notice is provided to all members in writing and,  
222 along with the public, in accordance with the Nation’s Open  
223 Records and Open Meetings law, prior to the implementation of a  
224 new date, time and/or location.  
225 (b) Notice of meeting location, agenda, minutes and materials shall be  
226 forwarded by the Trust Enrollment Department to all OTEC members via  
227 email communication, sent to the official Oneida Nation email address  
228 provided to members to conduct business electronically on behalf of the  
229 OTEC (“Official Email”); and notice shall further be provided to all OTEC

230 members, as well as the public, in accordance with the Nation’s Open  
231 Records and Open Meetings law.

- 232 (c) Meetings of the OTEC shall be conducted in accordance with the rules  
233 contained in the current edition of Robert’s Rules of Order, in all cases to  
234 which they are applicable, unless they are inconsistent with these bylaws.  
235

236 3-2. *Emergency Meetings.* An emergency meeting may be called when there is an imminent  
237 issue that needs to be addressed by the OTEC before its next regular meeting  
238 which requires a thorough discussion, and thus, cannot be done by e-poll.  
239 Emergency meetings may be attended in person, by telephone, through  
240 videoconferencing or through other telecommunications so long as presence  
241 of each member is demonstrated consistent with the Boards, Committees  
242 and Commissions law.

- 243 (a) Any OTEC Officer may call an emergency meeting so long as in accordance  
244 with these bylaws.

- 245 (b) At least twenty-four (24) hours before the start of the meeting, the Trust  
246 Enrollment Department shall notify all OTEC members of the emergency  
247 meeting by telephone call and shall send them the meeting location, agenda  
248 and materials via their Official Email address.

- 249 (1) OTEC members, as well as the public, shall further receive notice  
250 of emergency meetings per the Nation’s Open Records and Open  
251 Meetings law.

- 252 (c) Within seventy-two (72) hours of the emergency meeting, the OTEC shall  
253 provide the Nation’s Secretary with notice of the emergency meeting, the  
254 reason for the emergency meeting, and an explanation as to why the matter  
255 could not wait until the next regular meeting.  
256

257 3-3. *Joint Meetings.* Joint meetings between the OTEC and the Oneida Business Committee  
258 shall be held at the Norbert Hill Center in accordance with the MOA, which  
259 may be amended from time-to-time hereafter, upon agreement by both  
260 parties, and as follows:

- 261 (a) Notice of the joint meeting agendas, documents and minutes shall be  
262 provided, and the joint meetings conducted, in accordance with resolution  
263 BC-03-27-19-D titled, *Oneida Business Committee and Joint Meetings with*  
264 *the Boards, Committees and Commissions – Definitions and Impact*, as may  
265 be amended from time-to-time hereafter.  
266

267 3-4. *Quorum.* Five (5) OTEC members shall constitute a quorum. If a quorum is not  
268 present within fifteen (15) minutes of the announced meeting time, the  
269 meeting shall be declared dismissed.  
270

271 3-5. *Order of Business.* The order of business, as far as applicable, is:

- 272 (a) Call to Order  
273 (b) Adopt the Agenda  
274 (c) Visitor/Community Forum  
275 (d) Approval of Minutes

- 276 (e) Old Business
- 277 (f) New Business
- 278 (g) Reports
- 279 (h) Other Business
- 280 (i) Executive Session
- 281 (j) Adjournment
- 282

283 3-6. *Voting.* Decisions of the OTEC shall be by majority vote of the members present at  
284 an OTEC meeting of an established quorum, with each OTEC member  
285 having one (1) vote.

286 (a) The Chairperson, or Officer presiding in lieu of the Chairperson, may not  
287 vote except in the event of a tie.

288 (b) E-polls are allowed so long as conducted in accordance with the Boards,  
289 Committees and Commissions law.

290 (1) The Vice-Chairperson, in the absence or discretion of the Chair-  
291 person, shall be responsible for conducting e-polls.  
292

#### 293 **Article IV. Expectations**

294 4-1. *Behavior of Members.* Members of the OTEC are required to adhere to the following  
295 behavioral expectations:

296 (a) Perform duties as outlined in these bylaws, as may be amended from time-  
297 to-time hereafter, and adhere to all other governing laws, policies, MOA's  
298 and/or rules of the Nation;

299 (b) Act only in the best interests of the OTEC;

300 (c) Put the OTEC's interest before any other personal or professional interests  
301 while acting on behalf of or as a representative of the OTEC;

302 (d) Be actively involved in decision-making on behalf of the OTEC;

303 (e) Actively participate in OTEC planning, governance and development;

304 (f) Make decisions jointly with the OTEC members and honor decisions/  
305 actions taken at meetings, whether in attendance or not;

306 (g) Not act independent of the OTEC or make statements on its behalf absent  
307 authorization;

308 (h) Promptly reply to email and other communications that request and require  
309 a response;

310 (i) Attend and contribute to all OTEC meetings.

311 (1) Three (3) unexcused absences from regularly scheduled meetings of  
312 the OTEC within a one (1) year period may be grounds for removal/  
313 termination or disciplinary action hereunder.

314 (A) An absence shall be deemed unexcused if a member fails to  
315 provide an Officer with written notice of his or her intended  
316 absence at least thirty (30) minutes prior to a meeting.

317 (2) If a member of the OTEC accrues three (3) unexcused absences in a  
318 one (1) year period, the matter should be added to an OTEC meeting  
319 agenda for consideration and possible action in accordance with  
320 these bylaws.



- 321 (j) Prepare for meetings and provide feedback to the OTEC Chairperson or  
322 Trust Enrollment Director on any agenda item; and
- 323 (k) While acting in the capacity of a member of the OTEC, behave in a manner  
324 consistent with the Core Values of the Nation.
- 325 (l) *Enforcement.* Any member found to be in violation of this or any section of  
326 these bylaws may be subject to the following:
- 327 (1) Sanctions and penalties in accordance with any laws or policies of  
328 the Nation governing sanctions and/or penalties of officials.
- 329 (2) If the member was elected, the OTEC’s filing of a petition for his or  
330 her removal pursuant to the Removal law and/or any other laws or  
331 policies of the Nation governing the removal of elected officials.
- 332 (3) If the member was appointed, the OTEC’s recommendation to the  
333 Oneida Business Committee for the termination of his or her  
334 appointment pursuant to the Boards, Committees and Commissions  
335 law and/or any other laws or policies of the Nation governing the  
336 termination of appointed officials.
- 337 (A) The filing of a petition for removal or recommendation for  
338 termination shall be decided by a majority vote of the  
339 members present at an OTEC meeting of an established  
340 quorum.
- 341
- 342 4-2. *Prohibition of Violence.* OTEC members are strictly prohibited from committing  
343 intentionally violent acts that inflict, attempt to inflict, or threaten to inflict  
344 emotional or bodily harm on another person, or damage to personal  
345 property.
- 346
- 347 4-3. *Drug and Alcohol Use.* The OTEC prohibits the use of alcohol and illegal drugs by  
348 members when acting in their official capacity.
- 349 (a) The OTEC encourages members to voluntarily seek help for their personal  
350 drug and alcohol-related problems.
- 351
- 352 4-4. *Social Media.* OTEC members shall comply with the Nation’s Social Media Policy and  
353 their oath of office when using social media while acting on behalf of or as  
354 a representative of the OTEC.
- 355
- 356 4-5. *Conflict of Interest.* OTEC members shall abide by all laws of the Nation governing  
357 conflicts of interest.
- 358 (a) It is the responsibility of each OTEC member to disclose conflicts of  
359 interest.
- 360

## 361 **Article V. Stipends and Compensation**

- 362 5-1. *Stipends.* OTEC members shall be eligible for the following stipends as set forth in  
363 and subject to these bylaws; the Boards, Committees and Commissions law;  
364 and resolution BC-08-12-20-C titled, *Amended Boards, Committees and*  
365 *Commissions Law Stipends*, as may be further amended from time-to-time  
366 hereafter:

- 367 (a) No more than twenty-four (24) meeting stipends per fiscal year, provided  
368 that:
- 369 (1) A quorum was established;
- 370 (2) The meeting of the established quorum lasted for at least one (1)  
371 hour; and
- 372 (3) The member collecting the stipend was present for the entire  
373 meeting as defined, as well as demonstrated, in accordance with the  
374 Boards, Committees and Commissions law.
- 375 (b) A stipend for attending a duly called joint meeting between the OTEC and  
376 the Oneida Business Committee, provided that:
- 377 (1) A quorum was established by the OTEC;
- 378 (2) The joint meeting lasted for at least one (1) hour; and
- 379 (3) The member collecting the stipend was present for the entire joint  
380 meeting as defined, as well as demonstrated, in accordance with the  
381 Boards, Committees and Commissions law.
- 382 (c) A stipend for attending an Oneida Judiciary hearing so long as the member’s  
383 attendance at the hearing is required by official subpoena.
- 384 (d) A stipend for attending an official hearing of the OTEC.
- 385 (e) A stipend for attending a conference or training, provided that:
- 386 (1) The amount of the stipend a member is eligible to receive for  
387 attending a conference or training shall be dependent on whether the  
388 member attended up to four (4) hours of a conference/training or  
389 more than four (4) hours of a conference/training; and
- 390 (2) The member’s attendance at the conference or training was required  
391 by law, bylaws or resolution.

392

393 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized  
394 under the Boards, Committees and Commissions law, members shall not be  
395 eligible to receive any other form of compensation for duties/activities they  
396 perform on behalf of the OTEC.

397

398 **Article VI. Records and Reporting**

399 6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format as identified in  
400 section 3-5 of these bylaws.

401

402 6-2. *Minutes.* Minutes shall be prepared in a format created by the Business Committee  
403 Support Office, following the order of business set forth in section 3-5 of  
404 these bylaws, to generate the most informative record of the meeting.

- 405 (a) With assistance from the Trust Enrollment Department and/or Business  
406 Committee Support Office, the OTEC Secretary shall submit a copy of the  
407 approved OTEC minutes and agenda to the Business Committee Support  
408 Office within thirty (30) days of approval by the OTEC.

409

410 6-3. *Attachments.* All handouts, reports, memorandum and the like shall be attached to the  
411 OTEC meeting minutes and agenda in which they were presented.

- 412 (a) The Trust Enrollment Department shall submit any handouts, reports,  
413 memoranda and the like with the respective original minutes and agenda.  
414 (b) The Trust Enrollment Department shall maintain all original copies of the  
415 minutes, agenda and attachments in accordance with the Open Records and  
416 Open Meetings law.  
417

418 6-4. *Oneida Business Committee Liaison.* The ~~O~~TEC Nation's Treasurer shall ~~regularly~~  
419 ~~communicate with~~ be the \_\_\_\_\_  
420 \_\_\_\_\_ member of the Oneida Business Committee who is ~~its~~ designated as  
421 the OTEC's liaison. \_\_\_\_\_

- 422 (a) The frequency and method of communication shall be as agreed upon by  
423 \_\_\_\_\_ the OTEC and the liaison, but not less than as  
424 established by the Oneida \_\_\_\_\_  
425 \_\_\_\_\_ Business Committee or the Oneida General Tribal Council.  
426 (b) The purpose of the liaison relationship is to uphold the ability of the liaison  
427 to act as support to the OTEC.  
428

429 6-5. *Audio Recordings.* All meetings shall be audio recorded utilizing the Trust Enrollment  
430 Department's and/or Business Committee Support Office's audio recording  
431 equipment.

- 432 (a) The Trust Enrollment Department shall maintain the original digital audio  
433 recordings and submit a digital copy to the Business Committee Support  
434 Office within thirty (30) days after the OTEC approves the corresponding  
435 meeting minutes.  
436 (b) *Exception.* Audio recordings of executive session portions of a meeting  
437 shall not be required.  
438

## 439 **Article VII. Amendments**

440 7-1. *Amendments.* At the first regular meeting following certification of election results, and  
441 annually thereafter, a review of these bylaws shall be conducted by the  
442 OTEC to determine that they are current.

- 443 (a) The OTEC, upon written notice, may, at any of its regular meetings of an  
444 established quorum by majority vote of the members present at the meeting,  
445 amend or repeal any or all sections of these bylaws; provided, the proposed  
446 amendment or request for repeal is submitted to the Oneida Business  
447 Committee.  
448 (1) Any amendments to these bylaws shall conform to the requirements  
449 of the Boards, Committees and Commissions law and any other  
450 policy of the Nation.  
451 (b) Amendments or repeals to these bylaws shall be approved by the Oneida  
452 Business Committee and, when necessary, the Oneida General Tribal  
453 Council before implementation.



## HANDOUT – OPTION B

# 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"> <li>○ 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"> <li>• The process for filling vacancies on the Oneida Trust Enrollment Committee (“OTEC”);</li> <li>• The qualifications necessary for membership on the OTEC;</li> <li>• The Officer positions on the OTEC, as well as the process for selecting those Officers and the duties assigned to each specific Officer position;</li> <li>• The behavioral expectations of those serving on the OTEC;</li> <li>• The process for terminating and/or removing a member of the OTEC;</li> <li>• The requisite training/conferences for members of the OTEC;</li> <li>• Stipend eligibility; and</li> <li>• The process for further amendments to the OTEC bylaws. [<i>1 O.C. 105.10-1(a)</i>].</li> </ul> </li> <li>○ 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.</li> </ul>
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 [Proposed Bylaws 1-6(c)] and OBC’s decision to terminate an OTEC member’s appointment is final [1 O.C. 105.7-4].
Public Meeting	Public meetings are not required for bylaws.
Fiscal Impact	A fiscal impact statement is not required for bylaws.

**SECTION 2. BACKGROUND**

- A. Bylaws provide a framework for the operation and management of a board, committee or commission of the Nation; the government of its members; and the regulation of its affairs. [1 O.C. 105.3-1(d)].
- B. The OTEC was established by the GTC through resolution GTC-04-28-74 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*. Its bylaws were last updated on July 2, 2012.
- C. In December of 2015, requests were made by both the OTEC and a community member to add OTEC’s bylaws to the Active Files List for amendment. The requests were deferred pending the adoption of amendments to the BCC Law that were being processed.
- D. On September 26, 2018, the OBC adopted amendments to the BCC Law through resolution BC-09-26-18-C. Per section 105.10-1(a), within a reasonable time after the BCC Law’s adoption, all existing boards, committees and commissions of the Nation were required to amend their bylaws to comply with the format requirements and to add the minimal amount of information prescribed the BCC Law.
- E. This item was added to the Active Files List on September 6, 2017 for purposes of amending OTEC’s bylaws to comply with the recent amendments to the BCC Law. After a deferment from the OBC, this item was carried over from the 2017-2020 term and added back on to the Active Files List on October 7, 2020 for finalization, with Kirby Metoxen as the sponsor.

**SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

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

**SECTION 4. AMENDMENTS**

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

**A. Article I. Authority.**

- **Section 1-5(a) – Number of Members.** This section was amended to remove the requirement that a member of the OBC fill one (1) of the nine (9) voting seats on the OTEC. [Proposed Bylaws 1-5(a)].
  - Resolution GTC-11-22-93-A restricts OBC members from serving on any appointed or elected board, committee or commission, unless required by law, other than in a liaison capacity. An OBC member will be assigned as a liaison in accordance with the BCC Law [1 O.C. 105.10-3(f)(4)].
- **Section 1-5(b) – Election.** Members are elected to the OTEC pursuant to the Nation’s Election law. [OTEC Bylaws 4(A) & Proposed Bylaws 1-5(b)]. A provision was added to this section, per section 105.6-2(a)(1) of the BCC Law, to allow an OTEC members whose term has expired to remain in office until a successor is sworn in by the OBC [Proposed Bylaws 1-5(b)(1)(A)]. This section was

43 also revised to make the process for resigning from the OTEC consistent with the BCC Law. Under  
44 the proposed bylaws, an OTEC member may resign at any time either by:

- 45 ○ Verbally notifying the OTEC during an OTEC meeting of an established quorum; or
- 46 ○ Delivering written notice to the Business Committee Support Office and the OTEC  
47 Chairperson or Chairperson’s designee. [*Proposed Bylaws 1-5(b) & 1 O.C. 105.6-2(d)*].
- 48 ■ **Section 1-5(c) – Vacancies.** This section was revised to make the process for filling vacancies in  
49 unexpired terms consistent with the BCC Law, which is that vacancies in unexpired terms are to be  
50 filled by appointment by the OBC. [*Proposed Bylaws 1-5(c)(2) & 1 O.C. 105.7-1*].
  - 51 ○ Although the OBC will ultimately decide who to appoint to fill a vacancy in an unexpired  
52 term, a provision was added to this section that will require the OTEC Chairperson to  
53 provide the OBC with a recommendation for appointment, with the recommendation being  
54 decided by a majority vote of the members present at an OTEC meeting of an established  
55 quorum. [*Proposed Bylaws 1-5(c)(2)(A) – (B)*].
- 56 ■ **Section 1-6 – Termination/Removal.** This section was revised to make the removal and termination  
57 of members from the OTEC consistent with the requirements set forth in the BCC Law. [*1 O.C.*  
58 *105.7-4*].
  - 59 ○ Elected Members of the OTEC. Under the proposed bylaws, elected members of the OTEC  
60 would be removed from their seats in accordance with the Nation’s Removal law.  
61 [*Proposed Bylaws 1-6(a)*].
  - 62 ○ Appointed Members of the OTEC. Under the proposed bylaws, appointed members of the  
63 OTEC would be terminated by the OBC in accordance with the BCC Law. [*Proposed*  
64 *Bylaws 1-6(c)*].
    - 65 ● The OTEC may petition for removal of a member or submit a recommendation to  
66 the OBC for the termination of a member’s appointment, so long as approved by a  
67 majority vote of the members present at an OTEC meeting of an established  
68 quorum. [*Proposed Bylaws 1-6(c)*].
- 69 ■ **Section 1-7 – Trainings and Conferences.** This section was added to the proposed bylaws for  
70 purposes of listing the trainings and/or conferences that are mandatory for OTEC members to  
71 attend. [*Proposed Bylaws 1-7*]. Per the BCC Law, members of an entity are not eligible to receive  
72 stipends for attending a conference/training unless their attendance was mandated by law, bylaws  
73 or resolution. [*1 O.C. 105.13-8*]. By identifying these trainings/conferences as mandatory, this pre-  
74 requisite is satisfied.
  - 75 ○ Per the directive of the OBC, the following limitation was added to all bylaws that are  
76 governed by the BCC Law:
    - 77 ● Regardless of the number of trainings/conferences that he or she is required to  
78 attend, no member of the OTEC shall be eligible to receive stipends for attending  
79 more than five (5) full days of mandatory trainings/conferences per year.  
80 [*Proposed Bylaws 1-7(c)*].
    - 81 ● Impact: By adding a limitation on the number of mandatory trainings/conferences  
82 a member may receive a stipend for in a one-year period, the OTEC is not being  
83 limited in the amount of training/conferences it can require its members to attend.  
84 Rather, it is limiting the number of trainings/conferences that would be considered  
85 stipend eligible. This provides an avenue for protecting the Nation from the fiscal  
86 burden that could ensue if stipend eligibility restrictions were not put in place,  
87 while preserving OTEC’s autonomy in deciding how many trainings/conferences  
88 it feels are necessary for members to attend.

89  
90 **B. Article II. Officers.**

- 91 ■ **Section 2-2 – Responsibilities of the Chairperson.** The following items were added to the Chair-  
92 person’s assigned responsibilities under this section of the proposed bylaws:

- 93           ○ To submit, either personally or through a designee, annual and semi-annual reports to the  
94           GTC, as well as quarterly reports to the OBC, in accordance with the BCC Law [*Proposed*  
95           *Bylaws 2-2(e)*]; and  
96           ○ To attend, or designate an OTEC member to attend, the OBC meeting in which OTEC's  
97           quarterly report appears on the agenda [*Proposed Bylaws 2-2(f)*].  
98           • ***Impact:*** The BCC Law requires that entities provide certain reports to the GTC, as  
99           well as the OBC, in the manner prescribed therein and that at least one (1) member  
100           of the entity attend the OBC meeting where their quarterly report appears on the  
101           agenda. [*1 O.C. 105.12-3*]. By assigning these duties to the ONEPC Chairperson,  
102           it creates an extra layer of oversight to ensure compliance with the law.
- 103        ▪ ***Section 2-4 – Responsibilities of the Secretary.*** The following item was added to the Secretary's  
104        assigned responsibilities under this section of the proposed bylaws:  
105           ○ In the event that both the Chairperson and Vice-Chairperson positions become vacant  
106           before the end of their terms, a provision was added that allows the Secretary to call OTEC  
107           meetings to fill the vacancies and to preside over those meetings for the sole purpose of  
108           conducting an election of new Officers, at which point the Chairperson, or Vice-  
109           Chairperson in the absence of the Chairperson, would preside. [*Proposed Bylaws 2-4(b)*].
- 110        ▪ ***Section 2-6 – Selection of Officers.*** The following items were added to this section of the proposed  
111        bylaws.  
112           ○ A provision was added that allows for OTEC members to be dismissed from their Officer  
113           positions by a majority vote of the members present at an OTEC meeting of an established  
114           quorum. [*Proposed Bylaws 2-5(c)*].  
115           • ***Impact:*** This provision applies only to Officer positions on the OTEC, meaning  
116           that an OTEC member may be stripped of his or her Officer position by a majority  
117           vote of the OTEC, but would remain an OTEC member unless terminated or  
118           removed in accordance with governing law.  
119           ○ A second provision was added to clarify that Officers of the OTEC shall not be allowed to  
120           hold more than one (1) Officer position per Officer term. [*Proposed Bylaws 2-5(a)*].
- 121        ▪ ***Section 2-7 – Purchases and Travel.*** Per the BCC Law, this section of the proposed bylaws must  
122        identify how the OTEC intends to approve purchases and/or travel on its behalf. [*1 O.C. 105.10-3*  
123        *(b)(6)*]. It was updated as follows to comply therewith:  
124           ○ OTEC must follow the Nation's policies and procedures regarding purchasing and sign-off  
125           authority [*Proposed Bylaws 2-6*];  
126           ○ OTEC's level of budgetary sign-off authority must be consistent with the manual titled,  
127           *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Divisional  
128           Directors/Tribal School Chairperson/Trust Committee/Gaming Director [*Proposed By-*  
129           *laws 2-6(a)*];  
130           ○ All OTEC Officers will have sign-off authority and two (2) Officers will be required to  
131           sign-off on all budgetary requests [*Proposed Bylaws 2-6(a)(1)*]; and  
132           • Upon approval by the OTEC Officers, the Business Committee Support Office will  
133           have official budgetary sign-off authority for the OTEC. [*Proposed Bylaws 2-6(a)*  
134           *(1)(A)*].  
135           ○ OTEC must approve a member's request to travel on its behalf by majority vote of the  
136           members present at a regular or emergency OTEC meeting of an established quorum  
137           [*Proposed Bylaws 2-6(b)*].  
138

### C. Article III. Meetings

- 140        ▪ ***Section 3-1 – Regular Meetings.*** Per the BCC Law, this section of the proposed bylaws must  
141        identify, at a minimum, when and where regular meetings of the OTEC will be held and how the

142 OTEC intends to provide notice of the meeting agenda, documents and minutes. [1 O.C. 105.10-3  
143 (c)].

- 144 ○ Under its current bylaws, the OTEC is required to meet the first Tuesday of each month  
145 for Enrollments, and the fourth Tuesday of each month for the Trust, with the time and  
146 place of such meetings to be established by the OTEC. [OTEC Bylaws 1(A)]. Because this  
147 section only vaguely addresses when and where regular meetings of the OTEC must be  
148 held, the following provisions were added to ensure compliance with the BCC Law:

- 149 • That, but for the months of February and August wherein the OTEC shall meet on  
150 the third Tuesday of each month, the OTEC shall meet on the fourth Tuesday of  
151 each month, commencing at 5:00 p.m. in the Trust Enrollment Department located  
152 at 210 Elm Street in Oneida, Wisconsin. [Proposed Bylaws 3-1(a)]; and

- 153 • That, the OTEC meeting date, time and/or location may change from time-to-time  
154 as determined by a majority vote of the members present at an OTEC meeting of  
155 an established quorum so long as notice is provided in accordance with the Open  
156 Records and Open Meetings law prior to implementation of a new date, time and/or  
157 location [Proposed Bylaws 3-1(a)(2)];

- 158 ➤ **Impact:** The above provisions not only ensure compliance with the minimal  
159 requirements for this section under the BCC Law, but offer OTEC flexibility  
160 by allowing for the established date, time and/or location of its meetings to  
161 change when deemed necessary by majority vote; provided, the OTEC affords  
162 public notice of such change or changes in advance of implementation.

- 163 • That, in addition to requirements already set forth in its current bylaws, notice of  
164 OTEC meetings must further be provided in accordance with the Open Records  
165 and Open Meetings law [Proposed Bylaws 3-1(b)]; and

- 166 • That, OTEC meetings may be attended in person, by telephone, through video  
167 conferencing or through other telecommunications; provided, the presence of any  
168 member attending a meeting virtually is demonstrated in accordance with the BCC  
169 Law [Proposed Bylaws 3-1(a)].

- 170 ➤ **Impact:** With the COVID-19 pandemic, the Nation was forced to adjust many  
171 of its customary practices, including how it holds meetings by conducting them  
172 virtually or with very limited access to the public. This provision gives similar  
173 flexibility to the OTEC to allow for the same so long as the following occurs  
174 in compliance with the BCC Law:

- 175 (1) OTEC demonstrates the presence of its members during a meeting by  
176 taking roll call on the record at both the beginning and end of the  
177 meeting; and

- 178 (2) If an OTEC member has a technological issue during a meeting and it  
179 disrupts the member's presence, he or she notifies the OTEC of the  
180 technological issue as soon as possible. [1 O.C. 105.13-3(c)-(d)].

- 181 ■ **Section 3-3 – Emergency Meetings.** Per the BCC Law, this section of the proposed bylaws must,  
182 at a minimum, identify what constitutes an emergency; how emergency meetings are to be called;  
183 and how notice of an emergency meeting must be provided. [1 O.C. 105.10-3]. Currently, the  
184 OTEC's bylaws provide that "[t]he Chairperson may call Emergency/Special meetings" and that  
185 there "shall be a minimum of 24 hour verbal notice to all Committee members of any emergency  
186 and/or special meeting." [OTEC Bylaws 2(A)]. In order to comply with the BCC Law, the term  
187 "special meeting" was deleted from this section and the following was added:

- 188 ○ That, an emergency meeting of the OTEC may be called when there is an imminent issue  
189 that needs to be addressed by the OTEC before its next regular meeting which requires a  
190 thorough discussion, and thus, cannot be done by e-poll [Proposed Bylaws 3-2];



- 191 ○ That, the Trust Enrollment Department must provide notice of an emergency meeting to  
192 all OTEC members in writing, as well as by telephone call, at least twenty-four (24) hours  
193 before the scheduled meeting and must further provide notice in accordance with the  
194 Nation’s Open Records and Open Meetings law [*Proposed Bylaws 3-2(b)*]; and
- 195 ○ That, within seventy-two (72) hours of holding an emergency meeting, the OTEC shall  
196 provide the Nation’s Secretary with notice of the emergency meeting, the reason for the  
197 emergency meeting, and an explanation of why the matter could not wait for a regular  
198 meeting [*Proposed Bylaws 3-2(c)*].
- 199 ■ **Section 3-4 – Quorum.** This section was amended to require that at least five (5) OTEC members  
200 be present to establish a quorum. [*Proposed Bylaws 3-4*].

202 **D. Article IV. Expectations.** This article was added to the proposed bylaws to satisfy the requirements of  
203 the BCC Law. [*1 O.C. 105.10-3(d)*].

- 204 ■ **Section 4-1 – Behavior of Members.** Per the BCC Law, this section of the proposed bylaws must,  
205 at a minimum, identify the behavioral expectations and requirements of an OTEC member and how  
206 the OTEC will enforce such expectations/requirements. [*1 O.C. 105.10-3(d)*]. Under its current  
207 bylaws, the OTEC has a list of behavioral expectations that its members must follow; however,  
208 they are located throughout various sections of the bylaws. To comply with the BCC Law, these  
209 items were compiled and placed under this section of the proposed bylaws. [*Proposed Bylaws 4-*  
210 *1*].
- 211 ■ **Section 4-2 – Prohibition of Violence.** This section prohibits OTEC members from committing  
212 any intentionally violent act that inflicts, attempts to inflict or threatens to inflict emotional or  
213 bodily harm on another person or damage to personal property. [*Proposed Bylaws 4-2*]. It was  
214 added to comply with the minimum requirements of the BCC Law. [*1 O.C. 105.10-3(d)(2)*].
- 215 ■ **Section 4-3 – Drug and Alcohol Use.** This section prohibits drug and alcohol use by an OTEC  
216 member when acting in his or her official capacity. [*Proposed Bylaws 4-3*]. It was added to comply  
217 with the BCC Law [*1 O.C. 105.10-3(d)(3)*].

218  
219 **E. Article V. Stipends and Compensation.**

- 220 ■ **Section 5-1. Stipends.** This section was updated to comply with the BCC Law.
  - 221 ○ As updated, OTEC members are eligible to receive the following stipends, subject to the  
222 BCC Law and resolution BC-08-12-20-C titled, *Amended Boards, Committees and*  
223 *Commissions Law Stipends*:
    - 224 ● No more than twenty-four (24) meeting stipends per fiscal year, provided that:
      - 225 (1) A quorum was established;
      - 226 (2) The meeting of the established quorum lasted for at least one (1) hour; and
      - 227 (3) The member collecting the stipend was present for the entire meeting as  
228 defined, as well as demonstrated, in accordance with the BCC Law.
    - 229 ● A stipend for attending a duly called joint meeting between the OTEC and the  
230 OBC, provided that:
      - 231 (1) A quorum was established by the OTEC;
      - 232 (2) The joint meeting lasted for at least one (1) hour; and
      - 233 (3) The member collecting the stipend was present for the entire joint meeting as  
234 defined, as well as demonstrated, in accordance with the BCC Law.
    - 235 ● A stipend for attending an Oneida Judiciary hearing so long as the member’s  
236 attendance at the hearing is required by official subpoena.
    - 237 ● A stipend for attending an official hearing of the OTEC.
    - 238 ● A stipend for attending a conference or training, provided that:
      - 239 (1) The amount of the stipend a member is eligible to receive for attending a  
240 conference or training shall be dependent on whether the member attended up

- 241 to four (4) hours of a conference/training or more than four (4) hours of a  
242 conference/training; and  
243 (2) The member’s attendance at the conference or training was required by law,  
244 bylaws or resolution.  
245

246 **F. Article VI. Records and Reports.**

- 247     ▪ **Section 6-2 – Minutes.** Under the BCC Law, this section must, at a minimum, identify the format  
248 for meeting minutes and a reasonable timeframe in which minutes are to be submitted to the  
249 Business Committee Support Office. [*1 O.C. 105.10-3(f)(2)*]. To get this section in compliance  
250 with the BCC Law, the following provisions were added:  
251         ○ That, OTEC meeting minutes and agenda must be submitted to the Business Committee  
252 Support Office within thirty (30) days of their approval. [*Proposed Bylaws 6-2(a)*].  
253     ▪ **Section 6-4 – Oneida Business Committee Liaison.** This section was added to comply with the  
254 requirements of the BCC Law. In addition to satisfying the minimal requirements for this section  
255 under the BCC Law, per directive of the LOC, it designates the Nation’s Treasurer as the OTEC’s  
256 liaison [*Proposed Bylaws 6-4*], which is unique when compared to the other bylaws of the Nation’s  
257 boards, committees and commissions that do not specify which of the OBC members will be their  
258 designated liaison.  
259     ▪ **Section 6-5 – Audio Recordings.** This section was added to comply with the minimal requirements  
260 of the BCC Law. It requires that all meetings of the OTEC be audio recorded unless the OTEC  
261 goes into executive session. [*Proposed Bylaws 6-5*].  
262

263 **G. Article VII. Amendments.**

- 264     ▪ **Section 7-1 – Amendments to Bylaws.** In order to comply with the BCC Law and an OBC directive,  
265 respectively, the following provisions were added to this section of the OTEC bylaws:  
266         ○ That, any amendments to the OTEC bylaws must conform to the requirements of the BCC Law,  
267 as well as any other policy of the Nation [*Proposed Bylaws 7-1(a)*]; and  
268         ○ That, amendments or repeals to the OTEC bylaws must be approved by the OBC before  
269 implementation [*Proposed Bylaws 7-1(b)*].  
270

271 **SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS**

272 There are no conflicts between the proposed bylaws amendments and the Oneida Code of Laws. Below is  
273 a summary of laws referenced in and related to the proposed amendments to the Oneida Trust Enrollment  
274 Committee’s bylaws.  
275

- 276 **A. Oneida Nation Constitution.** The Constitution of the Oneida Nation contains a provision that allows  
277 for the creation of committees for the proper conduct of tribal business of the Nation. [*Oneida Nation*  
278 *Constitution, Article IV, Section 1(g)*]. There are no conflicts between the proposed bylaws amendments  
279 and the Oneida Nation Constitution.  
280  
281 **B. Administrative Procedures Act [1 O.C. Chapter 101].** This law details the procedures used by OTEC  
282 to conduct hearings for disputes arising under Oneida law. The OTEC has been granted hearing body  
283 authority under the following laws of the Nation:  
284         (1) The Membership Ordinance [*1 O.C. Chapter 124*]; and  
285         (2) The General Tribal Council Meeting Stipend Payment Policy [*1 O.C. Chapter 111*].  
286

287 The proposed bylaws comply and are not in conflict with the Nation’s Administrative Procedures Act.  
288

- 289 **C. Administrative Rulemaking [1 O.C. Chapter 106].** This law governs the administrative rulemaking  
290 process for the adoption and amendment of administrative rules by authorized agencies of the Nation.

291 The OTEC is considered an authorized agency and also an entity under this law. The OTEC is required  
292 to follow the administrative rulemaking procedures contained in this law for the promulgation of all  
293 rules when delegated rulemaking authority to act as an authorized agency. Administrative rulemaking  
294 authority must be delegated by a law of the Nation to implement, interpret and/or enforce a law of the  
295 Nation. Administrative rules developed under this law have the same force and effect as the law that  
296 delegated the authority to the authorized agency.

297  
298 The OTEC has been delegated administrative rulemaking authority as an authorized agency under the  
299 following laws of the Nation:

- 300 (1) The Membership Ordinance [*1 O.C. Chapter 124*]; and
- 301 (2) The Per Capita law [*1 O.C. Chapter 123*].

302  
303 The proposed bylaws comply and are not in conflict with the Nation’s Administrative Rulemaking law.

304  
305 **D. Membership Ordinance [*1 O.C. Chapter 124*].** This law governs the implementation of membership  
306 enrollment procedures according to the Oneida Constitution and authorizes OTEC to be the official  
307 committee designated by the GTC to be responsible for all aspects of Oneida tribal enrollment including  
308 maintaining the official roll of the Oneida Nation, enrollment procedure and appeals/review of  
309 enrollment decisions. [*1 O.C. 124.3-1(e)*]. There are no conflicts between the proposed bylaws  
310 amendments and the Nation’s Membership Ordinance.

311  
312 **E. Per Capita Law [*1 O.C. Chapter 123*].** This law governs how per capita payments are distributed to  
313 Members of the Oneida Nation and assigns certain responsibilities set forth therein to the OTEC. [*1*  
314 *O.C. 123.4-5*]. There are no conflicts between the proposed bylaws amendments and the Nation’s Per  
315 Capita law.

316  
317 **F. Trust Scholarship Fund Policy [*9 O.C. Chapter 901*].** This law governs the establishment of a trust  
318 fund for providing financial aid scholarships to assist eligible enrolled Oneida Members in securing  
319 higher educational opportunities. The OTEC is responsible for the management of the fund, including  
320 the drawdown of the fund for scholarship allocation [*9 O.C. 901.8-1*]. There are no conflicts between  
321 the proposed bylaws amendments and the Nation’s Trust Scholarship Fund Policy.

322  
323 **G. Endowments Law [*1 O.C. Chapter 131*].** This law governs the establishment and maintenance of all  
324 endowment fund accounts established by the Nation. The OTEC has exclusive control of the investment  
325 and collection of principal, interest and investments of all monies deposited in, and income derived  
326 from, all Oneida Nation endowment accounts. [*1 O.C. 131.6-1*]. The OTEC is authorized to hire a  
327 director on its behalf to submit quarterly itemized financial reports of all endowment fund accounts to  
328 OTEC and the Office of the Nation’s Treasurer [*1 O.C. 131.7*]. There are no conflicts between the  
329 proposed bylaws amendments and the Nation’s Endowments law.

330  
331 **H. Children’s Burial Fund Law [*1 O.C. Chapter 129*].** This law provides financial assistance towards  
332 the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the  
333 Nation. [*1 O.C. 129.1-1*]. Decisions of the Oneida Trust Enrollment Department as to the eligibility of  
334 a deceased child for financial assistance from the Children’s Burial Fund are appealed to the OTEC. [*1*  
335 *O.C. 129.7-1*]. There are no conflicts between the proposed bylaws amendments and the Children’s  
336 Burial Fund law.

337  
338 **I. General Tribal Council Meeting Stipend Payment Policy [*1 O.C. Chapter 111*].** This law governs  
339 payments of stipends for attendance at GTC meetings. Eligible GTC members are eligible for a stipend  
340 for attending GTC meetings when a quorum is established and maintained and where official business  
341 of the Nation is conducted. OTEC is granted hearing body authority under this law to hear appeals of

342 the Trust Enrollment Departments decisions made hereunder. [1 O.C. 111.6-2]. There are no conflicts  
343 between the proposed bylaws amendments and the General Tribal Council Meeting Stipend Payment  
344 Policy.

345  
346 J. **Boards, Committees and Commissions [1 O.C. Chapter 105].** This law governs the establishment,  
347 composition and operation of the Nation’s elected and appointed boards, committees and commissions.  
348 It establishes the procedures for appointing/electing people to a board, committee or commission; the  
349 mandate for creating bylaws and the minimal information to be included therein; the recording and  
350 record keeping requirements relating to board, committee and commission meetings, including the  
351 manner in which information is reported to the OBC and the GTC; the eligibility requirements for  
352 stipends, compensation and reimbursement; and other processes relating to the operation of the Nation’s  
353 boards, committees and commissions.

354  
355 With respect to the creation of bylaws, the law sets the format requirements and the minimal amount  
356 of information that needs to be contained within an entity’s bylaws. It further provides that all of the  
357 Nation’s boards, committees and commissions, governed by the law, are required to present bylaws to  
358 the OBC for adoption that comply with the law and that said bylaws be presented within a reasonable  
359 amount of time following the law’s adoption. The proposed bylaws contain the requisite formatting, as  
360 well as information, and do not conflict with any other provision of the law.

361  
362 K. **Election Law [1 O.C. Chapter 102].** This law governs the process for election of a member to OTEC.  
363 The Election law governs the procedures for the conduct of orderly elections of the Nation, including  
364 pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. There are no conflicts  
365 between the proposed bylaws and the Nation’s Election law.

366  
367 L. **Removal Law [1 O.C. Chapter 104].** This law governs the process for removing an elected member  
368 of the OTEC. OTEC members that are elected by the qualified voting membership of the Nation are  
369 subject to this law. This law contains due process measures related to specific causes for removal,  
370 petition requirements, preliminary review by the Judiciary, a hearing that includes potential witnesses  
371 and a burden of proof by a person seeking the removal by clear and convincing evidence that ground(s)  
372 for removal exist and a Special GTC Meeting that requires a 2/3 affirmative majority vote. There are  
373 no conflicts between the proposed bylaws and the Nation’s Removal law.

374  
375 M. **Social Media Policy [2 O.C. Chapter 218].** This law regulates social media accounts, including how  
376 content is managed and who has the authority to post on social media on behalf of the Nation. OTEC  
377 members are required to follow the Nation’s Social Media Policy, as well as their Oath of Office, when  
378 acting in their official capacity as an ONEPC member. [Proposed Bylaws 4-4]. There are no conflicts  
379 between the proposed bylaws and the Nation’s Social Media Policy.

380  
381 N. **Travel and Expense Policy [2 O.C. Chapter 219].** Members of OTEC are eligible to be reimbursed  
382 for travel and per diem to attend a conference or training in accordance with this policy. All travel must  
383 be authorized by the sign-off authority listed in the proposed bylaws and in a manner that is consistent  
384 with this law. [2 O.C. 219.4-2]. There are no conflicts between the proposed bylaws and the Nation’s  
385 Travel and Expense Policy.

386  
387 O. **Conflict of Interest Law [2 O.C. Chapter 217].** This law establishes specific limitations on the  
388 handling, as well as sharing, of information or materials that are confidential in nature or could be used  
389 by the Nation’s competitors and/or providers during the negotiation process to the detriment of the  
390 Nation. [2 O.C. 217.1-1]. It applies to the Nation’s employees, contractors, elected officials, officers,  
391 political appointees and appointed/elected members of the Nation’s boards, committees and  
392 commissions. [2 O.C. 217.1-1]. With respect to conflicts of interest, the proposed bylaws state that

393 OTEC members shall abide by all laws of the Nation governing conflicts of interest. *[Proposed Bylaws*  
394 *4-5]*. The proposed bylaws comply and do not conflict with the Nation’s Conflict of Interest law.  
395

396 P. **Open Records and Open Meetings Law [1 O.C. Chapter 107]**. This law sets the requirements for  
397 how meetings of the Nation’s governmental bodies shall be conducted and how materials from that  
398 meeting maintained, as well as made available to the public. *[1 O.C. 107.1 & 107.12]*. “Governmental  
399 bodies” encompasses most of the Nation’s boards, committees and commissions, the OTEC included.  
400 *[1 O.C. 107.31(d)]*. Absent an exception, meetings of a governmental body are to be open to the public  
401 and the materials therefrom available for public inspection so long as they constitute a “record” as  
402 defined within the law. *[1 O.C. 107.15 & 107.17]*. In addition, the law provides the minimum  
403 requirements for how notice of a governmental meeting must be provided, as well as accessible, to the  
404 public. *[1 O.C. 107.15-1]*. The proposed bylaws assign the responsibility for noticing meetings of the  
405 OTEC and maintaining all materials therefrom to the OTEC Secretary/Trust Enrollment Department.  
406 Written notice of meeting agendas, documents and minutes is to be provided to all OTEC members at  
407 least seventy-two (72) hours before each meeting and to the public in accordance with the Nation’s  
408 Open Records and Open Meetings law. *[Proposed Bylaws 3-1]*. The proposed bylaws comply and are  
409 not in conflict with the Nation’s Open Records and Open Meetings law.  
410

411 Q. **Vehicle Driver Certification and Fleet Management Law [2 O.C. Chapter 210]**. This law establishes  
412 standards for individuals who drive a fleet vehicle or personal vehicle on official business and regulates  
413 the use of all vehicles owned and leased by the Nation. *[2 O.C. 210.1-1]*. The OTEC is considered an  
414 entity and OTEC members considered officials who are authorized to travel on behalf of and in vehicles  
415 owned by the Nation. *[2 O.C. 210.3-1(g) & (j)]*. The proposed bylaws comply and are not in conflict  
416 with the Nation’s Vehicle Driver Certification and Fleet Management law.

# March 2021

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
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28	29	30	31			

April 2021

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18	19	20	21	22	23	24
25	26	27	28	29	30	

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