



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, March 10, 2021
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

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

NOTICE

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

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. MINUTES

- A. Approve the February 24, 2021, regular Business Committee meeting minutes**
Sponsor: Lisa Liggins, Secretary

V. RESOLUTIONS

- A. Adopt resolution entitled Amendments to the Emergency Management and Homeland Security Law**
Sponsor: David P. Jordan, Councilman
- B. Adopt resolution entitled Emergency Management Law Citation Schedule**
Sponsor: David P. Jordan, Councilman
- C. Adopt resolution entitled Amendments to the Community Support Fund Law**
Sponsor: David P. Jordan, Councilman
- D. Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until April 12, 2021**
Sponsor: Tehassi Hill, Chairman

VI. STANDING COMMITTEES

- A. LEGISLATIVE OPERATING COMMITTEE**
 - 1. Accept the February 17, 2021, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
 - 2. Approve the Oneida Trust Enrollment Committee (OTEC) Bylaws amendments**
Sponsor: David P. Jordan, Councilman

VII. NEW BUSINESS

- A. Post one (1) vacancy - Oneida Police Commission**
Sponsor: Lisa Liggins, Secretary
- B. Authorize the use of stories from the Wisconsin Oneida Language Preservation Project by Dr. Wendi Sierra for the purposes of creating interactive narratives to teach vocabulary words in Oneida**
Sponsor: Jo Anne House, Chief Counsel
- C. Accept the recommendation to approve of documentary film request regarding Applefest**
Sponsor: Jo Anne House, Chief Counsel
- D. Approved Oneida Airport Hotel Corporation resolution entitled Resolution Number 02-24-21 A Resolution to Approve Amendment of Bylaws**
Sponsor: Kathy Hughes, Chairwoman/Oneida Airport Hotel Corporation
- E. Review the Oneida Gaming Commission Chapter 5 Oneida Gaming Minimum Internal Controls and determine appropriate next steps**
Sponsor: Mark A. Powless, Chairman/Oneida Gaming Commission

- F. Review the Oneida Gaming Commission Chapter 3 Oneida Gaming Minimum Internal Controls and determine appropriate next steps**
Sponsor: Mark A. Powless, Chairman/Oneida Gaming Commission

VIII. REPORTS

A. CORPORATE BOARDS

- 1. Accept the Bay Bank FY-2021 1st quarter report**
Sponsor: Jeff Bowman, President/Bay Bank
- 2. Accept the Oneida ESC Group, LLC FY-2021 1st quarter report**
Sponsor: John L. Breuninger, Chairman/Oneida ESC Group, LLC
- 3. Accept the Oneida Airport Hotel Corporation FY-2021 1st quarter report**
Sponsor: Kathy Hughes, Chairwoman/Oneida Airport Hotel Corporation
- 4. Accept the Oneida Golf Enterprise FY-2021 1st quarter report**
Sponsor: James Petitjean, Agent/Oneida Golf Enterprise

IX. EXECUTIVE SESSION

A. REPORTS

- 1. Accept the Bay Bank FY-2021 1st quarter executive report**
Sponsor: Jeff Bowman, President/Bay Bank
- 2. Accept the Oneida ESC Group, LLC FY-2021 1st quarter executive report**
Sponsor: John L. Breuninger, Chairman/Oneida ESC Group, LLC
- 3. Accept the Oneida Airport Hotel Corporation FY-2021 1st quarter executive report**
Sponsor: Kathy Hughes, Chairwoman/Oneida Airport Corporation
- 4. Accept the Oneida Golf Enterprise FY-2021 1st quarter executive report**
Sponsor: James Petitjean, Agent/Oneida Golf Enterprise
- 5. Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
- 6. Accept the General Manager report**
Sponsor: Debbie Thundercloud, General Manager

B. AUDIT COMMITTEE

- 1. Accept the January 21, 2021, regular Audit Committee meeting minutes**
Sponsor: David P. Jordan, Councilman

2. **Accept the Cultural Heritage performance assurance audit and life the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
3. **Accept the Oneida Child Care performance assurance audit and life the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
4. **Accept the Cage/Vault/Kiosk compliance audit and life the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
5. **Accept the Four Card Poker Rules of Play compliance audit and life the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

C. UNFINISHED BUSINESS

1. **Review COVID-19 Paid Time SOP and determine next steps**
Sponsor: Geraldine Danforth, Area Manager/Human Resources
2. **Review follow up regarding audit # 368 and determine next steps BCAR**
Sponsor: Geraldine Danforth, Area Manager/Human Resources

D. NEW BUSINESS

1. **Enter e-poll results into the record regarding the approved contract - Sweet & Associates LLC - file #2021-0127**
Sponsor: Lisa Liggins, Secretary
2. **Review request and determine next steps - BC DR08**
Sponsor: Jessica Vandekamp, Employee Relations/Oneida Business Committee

X. ADJOURN

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

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

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

Approve the February 24, 2021, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 03/10/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: Please note – due to technical difficulties, the time stamps are not available and will be added | | |

4. Budget Information:

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

DRAFT



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, February 24, 2021
Microsoft Teams¹

Minutes

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Tina Danforth, Secretary Lisa Liggins, Council members: Daniel Guzman King, Kirby Metoxen, Marie Summers, Jennifer Webster;

Not Present: Councilman David P. Jordan;

Arrived at: n/a

Others present: Jo Anne House, Debbie Thundercloud, Larry Barton, Melinda J. Danforth, Cheryl Stevens, Renita Hernandez, Mark A. Powless Sr., Clorissa Santiago, Debra J. Danforth, Donald Dechamps, Jacque Boyle, Ravinder Vir, Jason Doxtator, Eric Bristol, Jacqueline Smith, Leslie Doxtator, Michelle Danforth-Anderson, James Petitjean, Kristal Hill, Eric McLester, Geraldine Danforth, Kaylynn Gresham, Loucinda Conway, Ralinda Ninham-Lamberies, Rae Skenandore, Louise Cornelius, Heather Ohuafi, Ronald Wurth, Lisa Tillman, Michele Doxtator, Phil Wisneski, Nate King, Candice Skenandore, Brandon Wisneski, Barbara Webster, Chad Fuss, Lorna Skenandore, Fawne Rasmussen, Eric Boulanger, Kelly McAndrews;

I. CALL TO ORDER

Roll call for the record:

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

Meeting called to order by Chairman Tehassi Hill at 8:34 a.m.

For the record: Councilman David P. Jordan is out on vacation. Councilwoman Jennifer Webster will be leaving at 10:00 a.m. for meeting with the Department of Health and Human Services Tribal Advisory Committee. Treasurer Tina Danforth will be leaving at 2:00 p.m. for a personal appointment. Councilman Kirby Metoxen will be leaving at 3:45 p.m. to attend the Oneida Airport Hotel Corporation Board of Directors meeting.

II. OPENING

Opening provided by Councilman Kirby Metoxen.

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

DRAFT

III. ADOPT THE AGENDA

Motion by Jennifer Webster to adopt with six (6) changes [1) delete item under Resolutions entitled Adopt resolution entitled U.S. Department of Agriculture Food Distribution Program on Indian Reservations Pilot Food Purchase Program Grant Application; 2) delete item under Executive Session entitled Consider the employment request - Oneida Trust Enrollment Department; 3) delete item under Executive Session entitled Approve a limited waiver of sovereign immunity - Net Health Systems Inc. Master Agreement - file # 2020-0440; 4) add item under Resolutions entitled Adopt resolution entitled Authorizing the use of Self-Governance Carryover Funds to Purchase Portable Radios for the Oneida Police Department As Amended; 5) add item under Executive Session entitled Approve two (2) actions regarding the Business Compliance Analyst vacancy; and 6) add item under Executive Session entitled Expand paid leave provided in resolution # BC-11-24-20-F], seconded by Marie Summers. Motion carried:

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

IV. MINUTES

A. Approve the February 10, 2021, regular Business Committee meeting minutes Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve the February 10, 2021, regular Business Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

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

V. RESOLUTIONS

A. Adopt resolution entitled Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to adopt resolution 02-24-21-A Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law, seconded by Marie Summers. Motion carried:

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

DRAFT**B. Enter the e-poll results into the record regarding the adopted resolution 02-19-21-A Adopt resolution entitled Authorizing the use of Self-Governance Carryover Funds to Purchase Portable Radios for the Oneida Police Department**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to enter the e-poll results into the record regarding the adopted resolution 02-19-21-A Adopt resolution entitled Authorizing the use of Self-Governance Carryover Funds to Purchase Portable Radios for the Oneida Police Department, seconded by Tina Danforth. Motion carried:

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

C. Authorizing the use of Self-Governance Carryover Funds to Purchase Portable Radios for the Oneida Police Department As Amended

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to adopt resolution 02-24-21-B Authorizing the use of Self-Governance Carryover Funds to Purchase Portable Radios for the Oneida Police Department As Amended, seconded by Marie Summers. Motion carried:

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

VI. STANDING COMMITTEES**A. FINANCE COMMITTEE****1. Accept the February 1, 2021, regular Finance Committee meeting minutes**

Sponsor: Tina Danforth, Treasurer

Motion by Tina Danforth to accept the February 1, 2021, regular Finance Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

2. Accept the February 15, 2021, regular Finance Committee meeting minutes

Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to accept the February 15, 2021, regular Finance Committee meeting minutes, seconded by Lisa Liggins. Motion carried:

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

DRAFT**B. LEGISLATIVE OPERATING COMMITTEE****1. Accept the February 3, 2021, regular Legislative Operating Committee meeting minutes**

Sponsor: David P. Jordan, Councilman

Motion by Marie Summers to accept the February 3, 2021, regular Legislative Operating Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan

C. QUALITY OF LIFE COMMITTEE**1. Accept the January 14, 2021, regular Quality of Life Committee meeting minutes**

Sponsor: Marie Summers, Councilwoman

Motion by Jennifer Webster to accept the January 14, 2021, regular Quality of Life Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan

VII. NEW BUSINESS**A. Approve the Application for Elected Positions**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to approve the Application for Elected Positions, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan

B. Approve a limited waiver of sovereign immunity - Green Bay Metropolitan Sewerage District Future Terminations of New Water Cost Share Agreement - file # 2021-0068

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to approve a limited waiver of sovereign immunity - Green Bay Metropolitan Sewerage District Future Terminations of New Water Cost Share Agreement - file # 2021-0068, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan

DRAFT

C. Approve the Outagamie County 1983 Wisconsin Act 161 agreement - file # 2021-0024

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to approve the Outagamie County 1983 Wisconsin Act 161 agreement - file # 2021-0024, seconded by Daniel Guzman King. Motion carried:

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

Not Present: David P. Jordan

Item VIII.C.1. was addressed next.

VIII. REPORTS

A. OPERATIONAL

1. Accept the Comprehensive Health Division FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Motion by Brandon Stevens to accept the Comprehensive Health Division FY-2021 1st quarter report, seconded by Marie Summers. Motion carried:

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

Not Present: David P. Jordan

2. Accept the Environmental, Health, Safety, Land and Agriculture Division FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Motion by Kirby Metoxen to accept the Environmental, Health, Safety, Land and Agriculture Division FY-2021 1st quarter report, seconded by Jennifer Webster. Motion carried:

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

Not Present: David P. Jordan

DRAFT

3. Accept the Governmental Services Division FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Councilwoman Jennifer Webster left at 9:51 a.m.

Motion by Kirby Metoxen to accept the Governmental Services Division FY-2021 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

Motion by Tina Danforth to direct follow-up [by the General Manager] regarding the reopening comprehensively across the board for Oneida Nation facilities and that a report be provided within 30 days, seconded by Marie Summers. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

4. Accept the Division of Public Works FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Motion by Tina Danforth to accept the Division of Public Works FY-2021 1st quarter report, seconded by Marie Summers. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

Councilman Daniel Guzman King left at 10:08 a.m.

Councilman Daniel Guzman King returned at 10:16 a.m.

5. Accept the Management Information Systems FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Councilwoman Marie Summers left at 10:29 a.m.

Motion by Brandon Stevens to accept the Management Information Systems FY-2021 1st quarter report, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, Lisa Liggins, Kirby Metoxen,
Brandon Stevens

Not Present: David P. Jordan, Marie Summers, Jennifer Webster

DRAFT**6. Accept the Tribal Action Plan FY-2021 1st quarter report**

Sponsor: Debbie Thundercloud, General Manager

Councilwoman Marie Summers returned 10:32 a.m.

Motion by Marie Summers to accept the Tribal Action Plan FY-2021 1st quarter report, seconded by Tina Danforth. Motion carried:

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

7. Accept the Big Bear Media FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Motion by Marie Summers to accept the Big Bear Media FY-2021 1st quarter report, seconded by Lisa Liggins. Motion carried:

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

8. Accept the Education and Training FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to accept the Education and Training FY-2021 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

9. Accept the Grants Office FY-2021 1st quarter report

Sponsor: Debbie Thundercloud, General Manager

Motion by Marie Summers to accept the Grants Office FY-2021 1st quarter report, seconded by Kirby Metoxen. Motion carried:

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

DRAFT**B. APPOINTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept the Anna John Resident Centered Care Community Board FY-2021 1st quarter report**

Sponsor: Joshua Hicks, Interim Chair/Anna John Resident Centered Care Community Board

Motion by Brandon Stevens to accept the Anna John Resident Centered Care Community Board FY-2021 1st quarter report, seconded by Marie Summers. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

2. Accept the Oneida Police Commission FY-2021 1st quarter report

Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by Marie Summers to accept the Oneida Police Commission FY-2021 1st quarter report, seconded by Kirby Metoxen. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

Item VIII.C.2. was addressed next.

C. ELECTED BOARDS, COMMITTEES, COMMISSIONS**1. Accept the Oneida Election Board FY-2021 1st quarter report**

Sponsor: Candace House, Chair/Oneida Election Board

Motion by Lisa Liggins to accept the Oneida Election Board FY-2021 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: David P. Jordan

Item VIII.A.1. was addressed next.

2. Accept the Oneida Gaming Commission FY-2021 1st quarter report

Sponsor: Mark A. Powless Sr., Chair/Oneida Gaming Commission

Motion by Lisa Liggins to accept the Oneida Gaming Commission FY-2021 1st quarter report, seconded by Marie Summers. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

DRAFT**3. Accept the Oneida Land Commission FY-2021 1st quarter report**

Sponsor: Becky Webster, Chair/Oneida Land Commission

Motion by Lisa Liggins to accept the Oneida Land Commission FY-2021 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

4. Accept the Oneida Nation School Board FY-2021 1st quarter report

Sponsor: Aaron Manders, Chair/Oneida Nation School Board

Motion by Lisa Liggins to accept the Oneida Nation School Board FY-2021 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

Motion by Lisa Liggins to direct the BC Liaison to the Oneida Nation School Board to coordinate a joint meeting [with the Oneida Nation School Board] to discuss the Comprehensive Language Program referendum question, seconded by Marie Summers. Motion carried:

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

5. Accept the Oneida Trust Enrollment Committee FY-2021 1st quarter report

Sponsor: Debbie Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Lisa Liggins to accept the Oneida Trust Enrollment Committee FY-2021 1st quarter report, seconded by Kirby Metoxen. Motion carried:

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

D. STANDING COMMITTEES**1. Accept the Community Development Planning Committee FY-2021 1st quarter report**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by Lisa Liggins to accept the Community Development Planning Committee FY-2021 1st quarter report, seconded by Brandon Stevens. Motion carried:

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

DRAFT**2. Accept the Finance Committee FY-2021 1st quarter report**

Sponsor: Tina Danforth, Treasurer

Motion by Marie Summers to accept the Finance Committee FY-2021 1st quarter report, seconded by Lisa Liggins. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

3. Accept the Legislative Operating Committee FY-2021 1st quarter report

Sponsor: David P. Jordan, Councilman

Motion by Lisa Liggins to accept the Legislative Operating Committee FY-2021 1st quarter report, seconded by Marie Summers. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

4. Accept the Quality of Life Committee FY-2021 1st quarter report

Sponsor: Marie Summers, Councilwoman

Motion by Lisa Liggins to accept the Quality of Life Committee FY-2021 1st quarter report, seconded by Kirby Metoxen. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

E. OTHER**1. Accept the Oneida Youth Leadership Institute Board FY-2021 1st quarter report**

Sponsor: Cheryl Stevens, Executive Manager

Motion by Lisa Liggins to accept the Oneida Youth Leadership Institute Board FY-2021 1st quarter report, seconded by Marie Summers. Motion carried:

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

Not Present: David P. Jordan, Jennifer Webster

DRAFT**IX. EXECUTIVE SESSION**

Motion by Lisa Liggins to go into executive session at 11:25 p.m., seconded by Marie Summers.
Motion carried:

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

The Oneida Business Committee, by consensus recessed at 12:00 p.m. to 1:30 p.m.

Chairman Tehassi Hill called the meeting to order at 1:30 p.m.

Roll call for the record:

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

Treasurer Tina Danforth left at 2:00 p.m.

Councilman Kirby Metoxen left 3:44 p.m.

Councilwoman Jennifer Webster returned at 3:41 p.m.

Motion by Lisa Liggins to come out of executive session at 4:45 p.m., seconded by Daniel Guzman King. Motion Pending:

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

A. REPORTS

1. Accept the Joint Marketing FY-2021 1st quarter report
Sponsor: Eric McLester, Retail General Manager

Motion by Lisa Liggins to accept the Joint Marketing FY-2021 1st quarter report, seconded by Jennifer Webster. Motion carried:

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

DRAFT**2. Accept the Intergovernmental Affairs, Communications, and Self-Governance February 2021 report**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Lisa Liggins to accept the Intergovernmental Affairs, Communications, and Self-Governance February 2021 report, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

Motion by Lisa Liggins to accept the Nation's Draft Federal Strategy as information, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

Motion by Lisa Liggins to reschedule the special Business Committee Meeting of February 17, 2021 to March 2, 2021, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

Motion by Lisa Liggins to authorize the Chair to sign the letter of nomination for Councilwoman Jennifer Webster to serve as a member of the PROGRESS Act Negotiated Rulemaking Committee with the Self Governance Coordinator as her alternate, and direct Self Governance to submit the letter to the BIA no later than March 3, 2021, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

Motion by Jennifer Webster to direct Self-Governance to reallocate \$85,000 from the COVID Welfare Assistance Program to the Broadband expansion initiative, and direct Self-Governance to update the BIA CARES Act spending plan and notify the BIA Office of Self Governance of the changes, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

Motion by Marie Summers to direct Self-Governance to reallocate \$206,248 from the Homelessness Task Force initiative to the Broadband expansion initiative and for Self-Governance to update the BIA CARES Act spending plan and notify the BIA Office of Self Governance of the changes, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

DRAFT**3. Accept the Chief Financial Officer February 2021 report**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Marie Summers to accept the Chief Financial Officer February 2021 report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

4. Accept the General Manager report

Sponsor: Debbie Thundercloud, General Manager

Motion by Marie Summers to accept the General Manager report, seconded by Brandon Stevens.

Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

5. Accept the Chief Counsel report

Sponsor: Jo Anne House, Chief Counsel

Motion by Jennifer Webster to accept the Chief Counsel report, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Kirby Metoxen

Secretary Lisa Liggins left at 4:51 p.m.

6. Accept the January 2021 Treasurer's report

Sponsor: Tina Danforth, Treasurer

Motion by Brandon Stevens to accept the January 2021 Treasurer's report, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

B. AUDIT COMMITTEE**1. Accept the Audit Committee FY-2021 1st quarter report**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the Audit Committee FY-2021 1st quarter report, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

DRAFT**2. Review request regarding audit # 368 and determine next steps**

Sponsor: David P. Jordan, Councilman

Motion by Marie Summers to direct the HR Area Manager to compile a report for public consumption regarding the layoffs, furloughs, and recalls as a result of the COVID-19 pandemic to the March 10, 2021 regular Business Committee meeting, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

C. UNFINISHED BUSINESS**1. Determine next steps regarding the HRD realignment plan**

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Motion by Marie Summers to accept the update regarding HRD realignment plan as information, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

2. Approve two (2) actions regarding the Business Compliance Analyst vacancy

Sponsor: Jessica Wallenfang, Employee Relations Representative

Motion by Jennifer Webster to approve the Business Analyst job description and post the position, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

Motion by Jennifer Webster to assign Chairman Tehassi Hill, Councilwoman Marie Summers, and Councilman Daniel Guzman King to a sub-team authorized to complete all hiring activities, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

D. NEW BUSINESS**1. Review the Gaming operations phase III re-opening plans**

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Daniel Guzman King to accept the Gaming operations phase III re-opening plans as information, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

DRAFT**2. Approve 63 new enrollments**

Sponsor: Debbie Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Marie Summers to approve 62 new enrollments and defer one (1) applicant, as identified in the correspondence dated February 23, 2021, back to the Oneida Trust Enrollment Committee, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

4. Consider the employment request - Grants Office

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to delete this item from the agenda [note: Business Committee action is no longer needed due to the issuance of the FY-21 workforce levels], seconded by Marie Summers.

Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

5. Consider the employment request - Big Bear Media

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to accept the recommendation of the Chief Financial Officer, in accordance with section 121.8-3(a) of the Budget Management and Control law noting that this [may] result in overspending on the identified budget line and that future federal relief funds may be used/reimbursed, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

Motion by Brandon Stevens to approve the recall request from Big Bear Media for one (1) Mail Center Clerk, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

6. Approve a limited waiver of sovereign immunity - Helix Innovations LLC. 2021 Retail Trade Program Agreement - file # 2020-0825

Sponsor: Eric McLester, Retail General Manager

Motion by Jennifer Webster to approve a limited waiver of sovereign immunity for the Helix Innovations LLC. 2021 Retail Trade Program Agreement - file # 2020-0825, seconded by Daniel Guzman King.

Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

DRAFT**7. Expand paid leave provided by resolution # BC-11-24-20-F**

Sponsor: Marie Summers, Councilwoman

Motion by Daniel Guzman King to direct the Human Resources Department (SOP development), the three (3) General Managers (and Public Health Officer), and the Chief Financial Officer (Finances) to investigate and develop a SOP to be presented at the March 10, 2021, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

X. ADJOURN

Motion by Marie Summers to adjourn at 4:58 p.m., seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen

Roll call for the record:

Present: Councilman Daniel Guzman King; Chairman Tehassi Hill; Vice-Chairman Brandon Stevens; Council Member Marie Summers; Councilwoman Jennifer Webster;

Not Present: Treasurer Tina Danforth; Councilman David P. Jordan; Secretary Lisa Liggins; Councilman Kirby Metoxen;

Minutes prepared by Lisa Liggins, Secretary.
Minutes approved as presented on _____.

Lisa Liggins, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled Amendments to the Emergency Management and Homeland Security Law

1. Meeting Date Requested: 3 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



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



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

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

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

Overview

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

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

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

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

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

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

19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended until March 13, 2021, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.

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

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

Requested Action

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

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Amendments to the Emergency Management and Homeland Security Law

- 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 and Homeland Security law ("the Law") was adopted by the Oneida Business Committee through resolution BC-07-15-98-A, amended by resolutions BC-12-20-06-G and BC-05-13-09-F; and
- WHEREAS,** the Oneida Business Committee recently adopted emergency amendments to the Law through resolution BC-03-17-20-E and then extended those emergency amendments for an additional six-month period through the adoption of resolution BC-08-26-20-A in accordance with the emergency adoption process set forth by the Legislative Procedures Act; and
- WHEREAS,** the emergency amendments to the Law are set to expire on March 17, 2021; and
- WHEREAS,** the Legislative Operating Committee has developed permanent amendments to the Law for consideration by the Oneida Business Committee; and
- WHEREAS,** 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; and
- WHEREAS,** the amendments to the Law amend the title from Emergency Management and Homeland Security law to the Emergency Management law; and
- WHEREAS,** the amendments to the Law remove a provision regarding the Public Safety Officers' Benefits Program from the law because it is provided for in federal law; and
- WHEREAS,** the amendments to the Law clarify that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer; and
- WHEREAS,** the amendments to the Law 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; and

47
48 **WHEREAS,** the amendments to the Law remove a provision that required the Oneida Community
49 Health Services to be responsible for certain expenses of an infected individual; and
50

51 **WHEREAS,** the amendments to the Law address the authority of the Community/Public Health Officer
52 to organize the vaccinations of individuals during the Public Health Emergency, and clarify
53 exemptions to the requirements for vaccinations; and
54

55 **WHEREAS,** the amendments to the Law extend the time period for a proclamation of an emergency
56 from thirty (30) days to sixty (60) days; and
57

58 **WHEREAS,** the amendments to the Law clarify that the Conservation Department may contract with an
59 agency to cover their responsibility for the care, disposal, and sheltering of all abandoned
60 domestic animals and livestock during a proclaimed emergency; and
61

62 **WHEREAS,** the amendments to the Law delegate authority to the Oneida Business Committee to
63 establish an Emergency Core Decision Making Team upon the declaration of an
64 emergency and determine which positions of the Nation will compose the Emergency Core
65 Decision Making Team; and
66

67 **WHEREAS,** the amendments to the Law delegate authority to the Emergency Core Decision Making
68 Team to declare exceptions to any law, policy, procedure, regulation, or standard operating
69 procedure of the Nation; and
70

71 **WHEREAS,** the amendments to the Law provide how the Emergency Core Decision Making Team will
72 make declarations, and the duration of authority for those declarations; and
73

74 **WHEREAS,** the amendments to the Law require that notification of any declaration be provided to the
75 Oneida Business Committee within twenty-four (24) hours of a declaration being made;
76 and
77

78 **WHEREAS,** the amendments to the Law clarify the authority of the Oneida Business Committee to
79 modify, extend, or repeal any declaration or emergency action taken by the Emergency
80 Core Decision Making Team; and
81

82 **WHEREAS,** the amendments to the Law provide that citations issued for violations of this Law shall be
83 processed in accordance with the procedure contained in the Nation's laws and policies
84 governing citations; and
85

86 **WHEREAS,** the amendments to the Law provide that the Oneida Business Committee shall adopt
87 through resolution a citation schedule which sets forth specific fine amounts for violations
88 of this Law; and
89

90 **WHEREAS,** the amendments to the Law make other minor drafting changes throughout the law for
91 clarity; and
92

93 **WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law
94 through collaboration with representatives from the Nation's Emergency Management
95 Department, Comprehensive Health Division, Risk Management Department,
96 Intergovernmental Affairs, Oneida Law Office, Oneida Business Committee, General
97 Manager, and the Strategic Planner; and
98

99 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
100 statement were completed for the proposed amendments to the Law; and
101

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

105 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
106 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
107 the Nation until April 12, 2020, which was then subsequently extended through March 13,
108 2021, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-
109 A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-
110 12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A; and
111

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

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

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

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



Statement of Effect

Amendments to the Emergency Management and Homeland Security Law

Summary

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

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

Date: February 26, 2021

Analysis by the Legislative Reference Office

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

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

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

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

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

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

The LPA also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the proposed amendments to the Law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until March 13, 2021, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-

08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.

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

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

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

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

Conclusion

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



AMENDMENTS TO THE EMERGENCY MANAGEMENT AND HOMELAND SECURITY LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

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

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

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Emergency Management and Homeland Security law ("the Law") was first adopted by the Oneida Business Committee on July 15, 1998. The Law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provides for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establishes the use of the National Incident Management System; and designates authority and responsibilities for public health preparedness. *[3 O.C. 302.1-1]*.
- B. Emergency Amendments.** On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Law through the adoption of resolution BC-03-17-20-E. Emergency amendments to the Law were sought to create and delegate authority to a COVID-19 Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation. The emergency amendments to this Law were necessary for the preservation of the public health, safety, and general welfare of the Reservation population. The emergency amendments were needed to allow the COVID-19 Core Decision Making Team to act on behalf of the Nation on a daily, or even hourly basis, to protect the Reservation population against the public health crisis that is the COVID-19 pandemic. The emergency amendments to the Law were set to expire on September 17, 2020. On August 26, 2020, the Oneida Business Committee extended the emergency amendments to the Law for an additional six (6) month period through the adoption of resolution BC-08-26-20-A. The emergency amendments to the Law are set to expire on March 17, 2021.
- C.** The Legislative Operating Committee proposed permanent amendments be made to this Law to permanently adopt some of the emergency amendments that were recently made to the Law, as well as to address other revisions that may be necessary.

SECTION 3. CONSULTATION AND OUTREACH

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

- Oneida Business Committee;
- Oneida Law Office;
- Emergency Management Department;
- Comprehensive Health Division;
- Risk Management Department;
- Intergovernmental Affairs;
- General Manager; and
- Strategic Planner.

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

- Citations law;
- Oneida Personnel Policies and Procedures; and
- Legislative Procedures Act.

SECTION 4. PROCESS

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

- On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Law through the adoption of resolution BC-03-17-20-E for the purpose of creating and delegating authority to a COVID-19 Core Decision Making Team.
- 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 LOC added amendments to the Law to its Active Files List on October 7, 2020.
- The emergency amendments to the Law are set to expire on March 17, 2021.
- On December 16, 2020, the LOC approved a draft and legislative analysis for the proposed amendments to the Law.
- On December 16, 2020, the LOC approved the public comment period packet and forwarded the proposed amendments to the Law to a public comment period to be held open until January 13, 2021.
- The public comment period was held open until the close of business on January 13, 2021. Three (3) submissions of written comments were received.
- On January 20, 2021, the Legislative Operating Committee accepted the public comments and public comment review memorandum. The Legislative Operating Committee then reviewed and considered all the public comments that were received.
- On February 3, 2021, the Legislative Operating Committee approved the updated public comment review memorandum, final draft law and legislative analysis. The Legislative Operating Committee also directed the Finance Department to prepare a fiscal impact statement and provide it to the Legislative Operating Committee by February 17, 2021.
- The Finance Department provided a fiscal impact statement of February 12, 2021.

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

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

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

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

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

- 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, BC-02-10-21-A.

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

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

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

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

SECTION 5. CONTENTS OF THE LEGISLATION

A. *Public Safety Officers' Benefit Program.* The proposed amendments to the Law remove a provision regarding the Public Safety Officers' Benefit Program. Previously, the Law provided that if a person is disabled or dies while serving as a public safety officer, as defined in the Public Safety Officers' Benefits Program, then 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.

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

B. *More Strict Policies and Regulations.* The proposed amendments to the Law include a new provision which provides 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].

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

C. *Authority of the Community/Public Health Officer.* The proposed amendments to the Law provide clarification 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)]. The Law already provided that the Community/Public Health Officer could act as necessary to protect the public by taking action to limit the spread of any communicable disease through use of quarantine or isolation, requiring restrictions, or by taking other communicable disease control measures as necessary.

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

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

isolation of the quarantined area; the expense of conducting examinations and tests made under the direction of the Community/Public Health Officer; and the expense of care for dependent persons of the infected individual. Now, the Law simply provides that 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. [3 O.C. 302.7-8].

▪ *Effect.* The proposed amendments to the Law remove the financial liability of the cost of care for an infected individual from the Oneida Community Health Services due to the fact that the Nation is not in a financial position to cover these expenses on such a widespread scale as the COVID-19 pandemic has presented. The Law provides that 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. The Comprehensive Health Division will still provide care and have resources available for those who are eligible to receive care and assistance from the Comprehensive Health Division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- *Effect.* The proposed amendments to the Law ensure that the Oneida Business Committee is always informed of any declarations that are made by the Emergency Core Decision Making Team, and clarify that the Oneida Business Committee ultimately has the final authority to modify, extend, or 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 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)].

- A supervisor would have to follow the disciplinary action procedure contained in the Oneida Personnel Policies and Procedures to hold an employee accountable for a violation of this Law.

B. The proposed amendments to the Law have the follow impact on existing legislation of the Nation.

- *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal Council on January 7, 2013, for the purpose of providing a standard process for the adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].

- The Legislative Procedures Act provides a process for the adoption of emergency legislation when the legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and the enactment or amendment of legislation is required sooner than would be possible under this law. [1 O.C. 109.9-5].

- The Legislative Operating Committee is responsible for first reviewing the emergency legislation and for forwarding the legislation to the Oneida Business Committee for consideration. [1 O.C. 109.9-5(a)].

- The proposed emergency legislation is required to have a legislative analysis completed and attached prior to being sent to the Oneida Business Committee for consideration. [1 O.C. 109.9-5(a)].

- A legislative analysis is a plain language analysis describing the important features of the legislation being considered and factual information to enable the Legislative Operating Committee to make informed decisions regarding legislation. A legislative analysis includes a statement of the legislation's terms and substance; intent of the legislation; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the legislation and policy considerations. [1 O.C. 109.3-1(g)].

- Emergency legislation does not require a fiscal impact statement to be completed or a public comment period to be held. [1 O.C. 109.9-5(a)].

- Upon the determination that an emergency exists the Oneida Business Committee can adopt emergency legislation. The emergency legislation becomes effective immediately upon its approval by the Oneida Business Committee. [1 O.C. 109.9-5(b)].

- Emergency legislation remains in effect for a period of up to six (6) months, with an opportunity for a one-time emergency law extension of up to six (6) months. [1 O.C. 109.9-5(b)].

- Section 302.9-2(a) of the proposed emergency amendments to this Law conflict with section 109.9-5 of the Legislative Procedures Act. The Legislative Procedures Act provides a clear process for how the Nation is expected to handle emergency legislation. The proposed amendments allow the Emergency Core Decision Making Team the authority to declare exceptions to laws of the Nation notwithstanding any requirements of the Legislative Procedures Act.

- Although the proposed amendments conflict with the Legislative Procedures Act, the Oneida Business Committee is being asked to consider the adoption of this amendment

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

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

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

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

- 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. [3 O.C. 302.7-7].
- An officer of the Oneida Police Department may issue a citation to any person who violates a provision of this Law. [3 O.C. 302.10-2].

B. **Citation Schedule Resolution.** The Oneida Business Committee is delegated the authority 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)].

SECTION 8. OTHER CONSIDERATIONS

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

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

B. **Citation Schedule.** This Law provides that the Oneida Business Committee shall hereby be delegated the authority 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)]. A citation schedule will need to be developed and adopted. On March 19, 2020, the Nation's COVID-19 Core Decision Making Team issued a declaration titled, "Emergency Management and Homeland Security Law Fine and Penalty Schedule" which set forth a fine schedule for violations of the Law. This declaration can be used in the development of a citations schedule.

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

C. **Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, "Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures 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

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer

FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

DATE: February 12, 2021

RE: **Fiscal Impact of the Emergency Management and Homeland Security Law**

I. Estimated Fiscal Impact Summary

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

II. Background

A. Legislative History

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

B. Summary of Content

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

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

III. Methodology and Assumptions

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

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

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

IV. Agency

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

V. Financial Impact

There is no financial impact of the amendments.

VI. Recommendation

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

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

Title 3. Health and Public Safety – Chapter 302**Yotlihokté Olihwa'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 Cooperation302.7. Public Health Emergencies ~~and Communicable Disease~~302.8. ~~When~~Proclamation of an Emergency ~~is Proclaimed~~302.9. ~~Emergency~~Enforcement and Penalties~~202.10. COVID-19~~ Core Decision Making Team~~302.10. Enforcement and Penalties~~**302.1. Purpose and Policy**302.1-1. ~~—Purpose.~~ The ~~purposes~~purpose of this law ~~are~~is to:(a) provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; ~~and~~(b) provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; ~~and~~

(c) establish the use of the National Incident Management System (NIMS); and

(d) designate authority and responsibilities for public health preparedness.

302.1-2. ~~—Policy.~~ It is the policy of ~~this law~~the Nation to provide:(a) a description of the emergency management network of the Nation; ~~and~~(b) authorization for specialized activities to mitigate hazardous conditions and for the preparation of ~~Tribal~~the Nation's emergency response ~~management~~ plans, as well as to address concerns related to isolation and/or quarantine orders, emergency care, and mutual aid; and

(c) for all expenditures made in connection with such emergency management activities to be deemed specifically for the protection and benefit of the inhabitants, property, and environment of the Reservation.

302.2. Adoption, Amendment, ~~Conflicts~~Repeal302.2-1. ~~—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.

(a) “Biological ~~Agent~~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.

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

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

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

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

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

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

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

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

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

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

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

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

(l) “Nation” means the Oneida Nation.

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

~~(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 ~~ONEPC~~Oneida Nation Emergency Planning Committee shall consist of representatives from entities and a community representative as identified in the ~~ONEPC~~Oneida Nation Emergency Planning Committee bylaws as approved by the Oneida Business Committee.~~

302.5-2. ~~The ~~ONEPC~~Oneida 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 ~~ONEPC~~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. ~~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.

302.7. Public Health Emergencies ~~and Communicable Disease~~

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. —~~The Community/Public Health Officer may quarantine, isolate, require restrictions, or take other communicable disease control measures as necessary. Any individual, including an authorized individual, who enters an isolation or quarantine premises may be subject to isolation or quarantine under this law.~~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. ~~(a) The list~~ Authority of quarantinable diseases shall be specified in a resolution adopted by the Oneida Business Committee as recommended by the ~~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:

~~(b)~~(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.

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

~~(c) When the Community/Public Health Officer deems it necessary that an individual be quarantined 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.~~

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

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

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

(b) Any individual, including an authorized individual, who enters an isolation or quarantine 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 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)~~sixty (60) 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.

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

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

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

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

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

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

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

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

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

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

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

365
366 **302.10. Enforcement and Penalties**

367 302.10-1. It shall be a violation of this law for any person to not comply with or willfully obstruct,
368 hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued
369 thereunder, whether or not an emergency has been proclaimed.

370 302.10-2. Citations. An Oneida Police Department officer may issue a citation to any person who
371 violates a provision of this law.

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

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

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

377 302.10-3. Disciplinary Action. An employee of the Nation who violates this law during their work
378 hours or who refuses to follow the Emergency Response Plan may be subject to disciplinary action
379 in accordance with the Nation's laws and policies governing employment.

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

383
384 *End.*
385

386 Adopted - BC-07-15-98-A

387 Amended - BC-12-20-06-G

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

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

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

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

392 Amended – BC- - - -

Title 3. Health and Public Safety – Chapter 302**Yotlihokté Olihwa'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 Policy302.1-1. *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.

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

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

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

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

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

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

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

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

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

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

(l) “Nation” means the Oneida Nation.

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

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

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

(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.

(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.

(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 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 purchasing agent, who is identified in the 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.

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

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

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

(c) When the Community/Public Health Officer deems it necessary that an individual be quarantined, 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.

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) organize the vaccination of individuals;

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

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

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

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

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

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

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

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

302.9. Emergency Core Decision Making Team

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

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

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

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

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

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

(b) provide the date the declaration was issued;

(c) contain a clear statement of the directives;

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

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

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

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

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

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

302.10. Enforcement and Penalties

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

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

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

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

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

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

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

End.

Adopted - BC-07-15-98-A

Amended - BC-12-20-06-G

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

Amended - BC-05-13-09-F

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

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

Amended – BC-__-__-__-__

Oneida Business Committee Agenda Request

Adopt resolution entitled Emergency Management Law Citation Schedule

1. Meeting Date Requested: 3 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Emergency Management Law Citation Schedule

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Emergency Management law ("the Law") was adopted by the Oneida Business Committee through resolution BC-07-15-98-A and amended by resolution BC-12-20-06-G, BC-05-13-09-F, and BC-__-__-__; and
- WHEREAS,** the purpose of the Law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness; and
- WHEREAS,** the Law provides that it shall be a violation of this law for any person to not comply with or willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued thereunder, whether or not an emergency has been proclaimed; and
- WHEREAS,** the Law allows an Oneida Police Department officer to issue a citation to any person who violates a provision of this law; and
- WHEREAS,** any citation issued for a violation of this Law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations; and
- WHEREAS,** the Trial Court shall have jurisdiction over any action brought under this law; and
- WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law; and

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

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

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

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

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



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



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.

Oneida Business Committee Agenda Request

Adopt resolution entitled Amendments to the Community Support Fund Law

1. Meeting Date Requested: 3 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



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



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

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

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

Overview

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

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

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

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

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

A public meeting, in accordance with the Legislative Procedures Act, was not held for the proposed amendments to the Community Support Fund law due to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding the COVID-19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended until March 13, 2021, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.

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

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

Requested Action

Adopt the Resolution: Amendments to the Community Support Fund Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Amendments to the Community Support Fund Law

- 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 Community Support Fund law ("the Law") was adopted by the Oneida Business Committee through BC-05-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-11-13-D, BC-01-11-17-B; and
- WHEREAS,** the purpose of the 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; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Nation's Economic Support Services Department to develop the amendments to the Law; and
- WHEREAS,** the amendments to the Law Revise the definition of "immediate family" to better reflect Oneida families; and
- WHEREAS,** the amendments to the Law 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; and
- WHEREAS,** the amendments to the Law include a public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund; and
- WHEREAS,** the amendments to the Law 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; and
- WHEREAS,** the amendments to the Law remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents; and
- WHEREAS,** the amendments to the Law 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; and

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

What is the Community Support Fund?

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

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

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

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

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

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Community Support Fund law (“the Law”) was first adopted by the Oneida Business Committee on May 15, 1996, for the purpose of assisting the greatest number of members of the Oneida 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]*.
- B. The Law was most recently amended by the Oneida Business Committee on January 11, 2017, through the adoption of resolution BC-01-11-17-B.
- C. On September 2, 2020, the Governmental Services Division Director, on behalf of the Economic Support Services Department, submitted a request for the Legislative Operating Committee to consider amendments to the Law in an effort to expand the assistance available under the Fund to members of the Nation. The Legislative Operating Committee added the Law to its Active Files List on October 7, 2020.

SECTION 3. CONSULTATION AND OUTREACH

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

- 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

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, BC-02-10-21-A.

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

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

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

- 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 will not be held on the proposed amendments to the Community Support Fund law, a public comment period was still held open until January 13, 2021, in accordance with the Legislative Procedures Act and the COVID-19 Core Decision Making Team's "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration.

SECTION 5. CONTENTS OF THE LEGISLATION

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

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

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

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

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

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

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

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

- *Effect.* The removal of the requirement that security deposit assistance only be provided to members of the Nation that are residents of Wisconsin greatly expands who may be eligible to apply for security deposit assistance. It was unknown to the Economic Support Services Department why security deposit assistance was limited to residents of Wisconsin only, since that 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

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

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

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

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

SECTION 6. EXISTING LEGISLATION

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

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

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

SECTION 7. OTHER CONSIDERATIONS

- A. *Community Support Fund Law Rule Handbook.*** The Law requires that the Fund Operator promulgate rules for the administration of the Fund which shall include the list of categories the Fund covers and a cap that sets the amount of assistance. [1 O.C. 125.4-1]. After amendments to the Law were adopted by the Oneida Business Committee through resolution BC-01-11-17-B, the Community Support Fund Law Rule Handbook was then adopted by the Oneida Business Committee on January 24, 2018. Upon the adoption of the proposed amendments to the Law the Economic Support Services Department will need to make amendments to the Community Support Fund Law Rule Handbook in accordance with the Administrative Rulemaking law. The amendments to the Community Support Fund Law Rule Handbook would make revisions necessary to comply with the Law and addresses additional revisions desired by the Economic Support Services Department.
- *Conclusion.* It would be best practice for the Legislative Operating Committee to communicate and work with the Economic Support Services Department to ensure the certification and adoption of the Community Support Fund Law Rule Handbook amendments can coincide as closely as possible with the adoption of the amendments to the Community Support Fund law.
- B. *Use of the Community Support Fund.*** In an effort to provide a better understanding on how the Community Support Fund is utilized by the membership, the following information was provided by the Economic Support Services Department which demonstrates how many times a year the category of the Fund was utilized, as well as the total benefit amount provided for each category of the Fund 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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*Data provided by the Economic Support Services Department on November 24, 2020.

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

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

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~~**125.1. Purpose and Policy**

125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the Oneida 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.

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

125.2. Adoption, Amendment, Repeal

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

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

125.2-3. 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.

125.2-4. 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.

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

125.3. Definitions

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

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

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

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

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

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

(1) In-patient care;

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

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

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

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

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

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

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

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

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

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

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

(n) “Nation” means the Oneida Nation.

(o) “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.

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

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

(q) “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.

125.4. Responsibilities, Eligibility and Qualifications

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

~~(a department within its control:~~

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

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

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

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

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

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

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

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

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

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

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

an applicant for assistance:

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

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

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

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

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

125.5. Priorities for Consideration

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

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

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

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

125.6. Items Covered by the Fund

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

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

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

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

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

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

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

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

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

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

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

125.7. Items not Covered by the Fund

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

(a) Car payments;

(b) Taxes;

(c) Credit card or charge accounts;

(d) Commercial loans;

(e) Defaults, fines, or bankruptcy charges;

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

(g) Legal fees, court costs, judgments;

~~(h) Homeless lodging assistance;~~

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

(i) Health membership fees;

(j) Food and personal care items;

(k) Stabilization rent assistance;

(l) Insurance deductibles;

~~(m)~~ Home renovations not related to handicap accessibility; and

~~(n)~~ Department of Corrections re-entry assistance.

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

(a) The catastrophic event, catastrophic illness, ~~or~~ injury or emergency event is the result of a violation of the law as proven by a citation or criminal conviction;

(b) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of other Nation programs, policies or laws; and/or

(c) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of the Fund.

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

125.8. Application Requirements

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

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

(a) The catastrophic event, catastrophic illness, ~~or~~ injury, or emergency event;

(b) Proof that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by the other agencies;

(c) Enrollment in the Nation; and

~~(d) All household income the last thirty (30) business days immediately prior to the submission of the application; and~~

~~(e)~~ (d) Status of employment which shall include the following as applicable:

(1) Leave of absence paperwork;

(2) Balance of personal and vacation time accumulation; and

(3) Disability insurance or workmen's compensation coverage.

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

(a) Medical reports;

(b) Bills or statements;

(c) Estimates;

(d) Letters;

(e) Police or fire reports;

(f) Obituary or formal notice of death;

(g) Check stubs;

(h) Pictures or photographs;

(i) Applications for assistance from other agencies; and/or

(j) Approval of assistance or denial of assistance letters from other agencies.

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

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

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

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

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

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

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

125.9. Decision and Appeal

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

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

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

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

End.

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

Amended - BC-~~1~~-~~801~~-08-97-G

Amended - BC-12-11-13-D

Amended - BC-01-11-17-B

Amended - BC- - - -

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

125.1. Purpose and Policy

125.2. Adoption, Amendment, Repeal

125.3. Definitions

125.4. Responsibilities, Eligibility and Qualifications

125.5. Priorities for Consideration

125.6. Items Covered by the Fund

125.7. Items not Covered by the Fund

125.8. Application Requirements

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125.1. Purpose and Policy

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

125.2. Adoption, Amendment, Repeal

125.2-1. 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-12-11-13-D, BC-01-11-17-B and BC-__-__-__.

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

125.2-3. 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.

125.2-4. 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.

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

125.3. Definitions

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

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

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

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

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

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

(1) In-patient care;

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

therapy resulting from trauma;

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

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

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

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

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

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

(j) “Immediate family” means an applicant’s husband, wife, mother, father, son, daughter, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, cousin, and any of these relations attained through marriage or legal adoption, as well as a person who has legal responsibility for the applicant, or a person the applicant has legal responsibility of.

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

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

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

(n) “Nation” means the Oneida Nation.

(o) “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.

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

(q) “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.

125.4. Responsibilities, Eligibility and Qualifications

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

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

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

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

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

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

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

(a) Is a parent of the applicant;

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

(c) Has legal responsibility for the applicant.

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

125.4-5. The Fund is a fund of last resort and provides assistance when there is no other financial assistance available or all other assistance has been exhausted. Applicants shall first seek out other resources that can meet the needs of their request. Proof of requesting assistance from other sources shall be provided with the application.

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

(a) Terminally ill;

(b) Physically challenged or incapacitated;

(c) Major medical surgery;

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

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

(f) Public health emergency; and

(g) Death in immediate family.

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

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

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.

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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.

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

125.7. Items not Covered by the Fund

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

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

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

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

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

125.8. Application Requirements

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

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

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

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

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

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

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

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

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

125.9. Decision and Appeal

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

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

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

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

End.

Adopted - BC-05-15-96-A

Amended - BC-01-08-97-G

Amended - BC-12-11-13-D

Amended - BC-01-11-17-B

Amended – BC-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer

FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

DATE: February 23, 2021

RE: **Fiscal Impact of the Community Support Law**

I. Estimated Fiscal Impact Summary

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

II. Background

A. Legislative History

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

B. Summary of Content

The amendment to the Community Support Law proposed changes include:

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

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

III. Methodology and Assumptions

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

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

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

IV. Agency

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

V. Financial Impact

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

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

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

VI. Recommendation

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

Oneida Business Committee Agenda Request

Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until April 12, 202

1. Meeting Date Requested: 3 / 10 / 21 **2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Business Committee to consider extending the Public Health State of Emergency by adopting the attached resolution.

3. Supporting Materials☒ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☒ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☒ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Melinda J. Danforth, Director of Intergovernmental Affairs & Communication
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: _____
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

On March 12, 2020 the Oneida Business Committee declared a Public Health State of Emergency due to the need to slow the transmission and decrease the spread of COVID-19. The declaration is set to expire March 13, 2021 along with the Nation's Stay Safer at Home Declaration

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

Requested action:

1. Business Committee consider

Note: Submission is pending for the Public Health Recommendation and may be a handout for the 3/10 OBC Meeting.

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

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

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

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Extension of Declaration of Public Health State of Emergency Until April 12, 2021

- 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 federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and
- WHEREAS,** state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and
- WHEREAS,** on March 12, 2020 the Chairman declared a Public Health State of Emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation's gaming operations, and insuring that employees will continued to be paid during the Public Health State of Emergency as long as the Nation's resources will allow; and
- WHEREAS,** the Public Health State of Emergency was extended by resolutions # BC-03-26-20-A, # BC-05-06-20-A, # BC-06-10-20-A, # BC-07-08-20-A, # BC-08-06-20-A, # BC-09-09-20-A, # BC-10-08-20-A, # BC-11-10-20-A, # BC-12-09-20-D, BC-1-07-21-A, and BC-2-10-21-A; and
- WHEREAS,** the status of the COVID-19 pandemic continues to change daily with identification of hotspots occurring within certain industries and areas which are more clearly identified in the Public Health Officer Report which supports this resolution; and
- WHEREAS,** a positive test does not identify the total number of individuals who have the virus, including those who are not showing symptoms or who have isolated themselves at home because not every person is tested; and
- WHEREAS,** the COVID-19 Core Decision Making Team has issued an Open for Business declaration, a less restrictive Stay Safer at Home declaration which directs that individuals within the

BC Resolution _____
Extension of Declaration of Public Health State of Emergency Until April 12, 2021
Page 2 of 2

Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons and finally a Re-opening Governmental Offices declaration that provides guidance on how buildings will be re-opened to the public which remain effective during the Public Health State of Emergency; and

WHEREAS, the Emergency Management Director and the Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of COVID-19 throughout the State of Wisconsin, surrounding states, and the United States; and

WHEREAS, the Oneida Business Committee has determined that continuing the Public Health State of Emergency for continues to be necessary and that its declaration should be longer given the ongoing pandemic impact and the inability to identify mechanisms to control for infection or protect the public;

Extension of Public Health State of Emergency Declaration

NOW THEREFORE BE IT RESOLVED, that in accordance with section 302.8-5 of the Emergency Management & Homeland Security Law, the Oneida Business Committee extends the Public Health State of Emergency declaration ending at 11:59 p.m. on April 12, 2021.



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



Statement of Effect

Extension of Declaration of Public Health State of Emergency Until April 12, 2021

Summary

This resolution extends the Nation's declaration of the Public Health State of Emergency until April 12, 2021.

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

Analysis by the Legislative Reference Office

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

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

As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee has extended this Public Health State of Emergency until March 13, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A. [3 O.C. 302.8-5].

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

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

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

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

Through the adoption of this resolution, in accordance with section 302.8-5 of the Emergency Management and Homeland Security law, the Oneida Business Committee extends the Public Health State of Emergency declaration until 11:59 p.m. on April 12, 2021.

Conclusion

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

Oneida Business Committee Agenda Request

Accept the February 17, 2021, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 3 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



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



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.



Oneida Business Committee Agenda Request

Approve the Oneida Trust Enrollment Committee (OTEC) Bylaws amendments

1. Meeting Date Requested: 3 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

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;

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

1-4. *Office.*

The official mailing address of the OTEC shall be:
Oneida Trust Enrollment Committee
P.O. Box 365
Oneida, WI 54155

1-5. *Membership.*

- (a) *Number of Members.* The OTEC shall be composed of nine (9) members, one (1) of whom shall be the Nation's Treasurer.
- (b) *Elected.* OTEC members shall be elected in accordance with the Nation's election laws and/or policies for three (3) year staggered terms.
- (1) Members shall hold office until their term expires, they resign, or they are removed/terminated from office.
- (A) A member whose term has expired shall remain in office until his or her successor is sworn in by the Oneida Business Committee.
- (B) A member may resign at any time verbally during an OTEC meeting or by delivering written notice to the Business Committee Support Office and the OTEC Chairperson or Chairperson's designee.
- (i) The resignation is deemed effective upon acceptance by OTEC motion of a member's verbal resignation or upon delivery of the written notices.
- (c) *Vacancies.* Vacancies on the OTEC shall be filled as follows:
- (1) *Expired Terms.* Vacancies caused by the expiration of a member's term shall be filled by election in accordance with the laws and/or policies of the Nation governing elections.
- (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by appointment by the Oneida Business Committee pursuant to the Boards, Committees and Commissions law for the remainder of the unexpired term.
- (A) The OTEC Chairperson shall provide the Oneida Business Committee with recommendations on all applications for appointment to fill a vacancy of an unexpired term per the process set by the Boards, Committees and Commissions 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

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

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

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

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

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

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

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

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

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

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

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

- (a) Call to Order
- (b) Adopt the Agenda
- (c) Visitor/Community Forum
- (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.

- (j) Prepare for meetings and provide feedback to the OTEC Chairperson or Trust Enrollment Director on any agenda item; and
- (k) While acting in the capacity of a member of the OTEC, behave in a manner consistent with the Core Values of the Nation.
- (l) *Enforcement.* Any member found to be in violation of this or any section of these bylaws may be subject to the following:
- (1) Sanctions and penalties in accordance with any laws or policies of the Nation governing sanctions and/or penalties of officials.
 - (2) If the member was elected, the OTEC's filing of a petition for his or her removal pursuant to the Removal law and/or any other laws or policies of the Nation governing the removal of elected officials.
 - (3) If the member was appointed, the OTEC's recommendation to the Oneida Business Committee for the termination of his or her appointment pursuant to the Boards, Committees and Commissions law and/or any other laws or policies of the Nation governing the termination of appointed officials.
 - (A) The filing of a petition for removal or recommendation for termination shall be decided by a majority vote of the members present at an OTEC meeting of an established quorum.
- 4-2. *Prohibition of Violence.* OTEC members are strictly prohibited from committing intentionally violent acts that inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on another person, or damage to personal property.
- 4-3. *Drug and Alcohol Use.* The OTEC prohibits the use of alcohol and illegal drugs by members when acting in their official capacity.
- (a) The OTEC encourages members to voluntarily seek help for their personal drug and alcohol-related problems.
- 4-4. *Social Media.* OTEC members shall comply with the Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the OTEC.
- 4-5. *Conflict of Interest.* OTEC members shall abide by all laws of the Nation governing conflicts of interest.
- (a) It is the responsibility of each OTEC member to disclose conflicts of interest.
- Article V. Stipends and Compensation**
- 5-1. *Stipends.* OTEC members shall be eligible for the following stipends as set forth in and subject to these bylaws; the Boards, Committees and Commissions law; and resolution BC-08-12-20-C titled, *Amended Boards, Committees and Commissions Law Stipends*, as may be further amended from time-to-time hereafter:

- (a) No more than twenty-four (24) meeting stipends per fiscal year, provided that:
- (1) A quorum was established;
 - (2) The meeting of the established quorum lasted for at least one (1) hour; and
 - (3) The member collecting the stipend was present for the entire meeting as defined, as well as demonstrated, in accordance with the Boards, Committees and Commissions law.
- (b) A stipend for attending a duly called joint meeting between the OTEC and the Oneida Business Committee, provided that:
- (1) A quorum was established by the OTEC;
 - (2) The joint meeting lasted for at least one (1) hour; and
 - (3) The member collecting the stipend was present for the entire joint meeting as defined, as well as demonstrated, in accordance with the Boards, Committees and Commissions law.
- (c) A stipend for attending an Oneida Judiciary hearing so long as the member's attendance at the hearing is required by official subpoena.
- (d) A stipend for attending an official hearing of the OTEC.
- (e) A stipend for attending a conference or training, provided that:
- (1) The amount of the stipend a member is eligible to receive for attending a conference or training shall be dependent on whether the member attended up to four (4) hours of a conference/training or more than four (4) hours of a conference/training; and
 - (2) The member's attendance at the conference or training was required by law, bylaws or resolution.
- 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized under the Boards, Committees and Commissions law, members shall not be eligible to receive any other form of compensation for duties/activities they perform on behalf of the OTEC.
- Article VI. Records and Reporting**
- 6-1. *Agenda Items.* Agenda items shall be maintained in a consistent format as identified in section 3-5 of these bylaws.
- 6-2. *Minutes.* Minutes shall be prepared in a format created by the Business Committee Support Office, following the order of business set forth in section 3-5 of these bylaws, to generate the most informative record of the meeting.
- (a) With assistance from the Trust Enrollment Department and/or Business Committee Support Office, the OTEC Secretary shall submit a copy of the approved OTEC minutes and agenda to the Business Committee Support Office within thirty (30) days of approval by the OTEC.
- 6-3. *Attachments.* All handouts, reports, memorandum and the like shall be attached to the 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.

~~Oneida Trust/Enrollment Committee Bylaws~~**ONEIDA TRUST ENROLLMENT COMMITTEE (OTEC) BYLAWS**~~Article I.~~ **Article I. Authority**~~1.1. Name~~

~~A. The official name of this committee entity shall be the Oneida Trust/Enrollment Committee.~~ and may be referred to as the OTEC.

~~2. Authority~~

~~By the authority of the Oneida Tribe of Indians of Wisconsin, the Oneida Trust/Enrollment Committee~~

~~A. 1-2. Establishment. The OTEC was established by the Oneida General Tribal Council Resolution ("GTC") through resolution GTC-4-28-74 and approved by the Oneida General Tribal Council, titled, GTC Establishment of Trust~~

~~Committee to be Responsible for Administration and charged Disposition of Trust Monies with duties \$1,000,000 Maintained for Developmental Purposes and responsibilities as set forth in General Tribal Council Resolution 1-8-77-C and approved by General Tribal Council on 07-02-12 not Dissolved Through Per Capita Distributions.~~

~~B. The Oneida Membership Ordinance established by General Tribal Council Resolution 2-84-A, charged the Oneida Trust/Enrollment Committee with membership duties and responsibilities.~~

~~A Memorandum of Agreement exists between the Oneida Trust/~~

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 and is amended on an annual basis.~~

~~Committee Memorandum of Agreement dated February 27, 2019~~

~~("MOA");~~

~~D. The Oneida Trust/Enrollment Committee has the authority to hire personnel, including, but not limited to a Trust Director and an Enrollment Director. The hiring of all personnel shall be conducted in accordance with the Tribe's personnel policies and procedures and shall be dependent on available funding.~~

~~E. The purpose of the Oneida Trust/Enrollment Committee is to administer~~

~~(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 ~~a/f/k/a/~~ the Elderly Per Capita Payment Distribution Fund; and the Oneida Trust Scholarship Fund;
 administer (2) Oversee the management of the Trust Enrollment Department;
 (3) Administer membership distributions;
 2) (4) Administer the Minors Per Capita Trust Funds;
 3) administer (5) Administer the Language Revitalization Fund;
 4) ~~administer the Per Capita Endowment Fund and any other trusts which may be created;~~
 monitor (6) Administer the Oneida Life Insurance Plan Plus ("OLIPP") and oversee the OLIPP benefit;
 (7) Administer endowments;
 5) (8) Monitor funds held in the name of the Oneida ~~Tribe of Indians of Wisconsin~~ Nation at the Bureau of Indian Affairs;
 6) ~~exercise exclusive control of the investment and collection of principal, interest and investments of all monies deposited in, and income derived from, all Oneida Tribe endowment fund accounts; maintain~~ (9) Maintain the official roll of the Oneida ~~Tribe of Indians of Wisconsin~~ Nation by carrying out all enrollment; and
 8) ~~supervise the Oneida Trust and Enrollment Departments.~~
 3. ~~Office~~
 A. ~~The official mailing address of the Oneida Trust/Enrollment Committee, the Trust Department, and the Enrollment Department is P.O. Box 365, Oneida, WI 54155.~~
 B. ~~The physical address of the Trust Department is 909 Packerland Drive, Green Bay, WI 54303. The physical address of the Enrollment Department is 210 Elm Street, Oneida, Wisconsin 54155. The physical address of each Department is subject to change from time to time~~ duties in accordance with approval of the Oneida Trust/Enrollment Committee.⁺ ~~These changes do not require the approval of the General Tribal Council.~~
 4. ~~the~~ Membership
 A. ~~The Oneida Trust/Enrollment Committee shall be composed of nine (9) members, one (1) of whom will be a member of and represent the Oneida Business Committee. Committee members are elected by the Oneida General Tribal Council by casting ballots~~

⁺The Oneida Trust/Enrollment Committee will honor the community's desire to keep the Enrollment Department within central Oneida.

at the annual Tribal elections.

~~B.~~ Qualifications

1) ~~To be eligible to run for the Oneida Trust/Enrollment Committee, a candidate shall have the following qualifications:~~

a) ~~Shall be an enrolled Oneida Tribal Member who is eligible to vote in tribal elections.~~

b) ~~Shall live on or near the reservation (within the external boundaries of the Oneida Reservation or in a surrounding community).~~

c) ~~Shall have the ability to honorably protect and uphold the purpose of the Oneida Trust/Enrollment Committee with integrity, diligence and foresight.~~

d) ~~Must be able to obtain a fiduciary bond.~~

~~C.~~ Vacancies, Appointments, Resignations, Suspensions, and Removals

1) ~~Vacancies and Appointments~~

a) ~~If any member dies, resigns, is removed, is incapacitated, or is otherwise unable to serve, the Chairperson of the Oneida Trust/Enrollment Committee shall select a candidate who, upon approval of the Oneida Trust/Enrollment Committee and the Oneida Business Committee, shall serve the remainder of the former member's term.~~

b) ~~If, after the annual election, a position on the Oneida Trust/Enrollment Committee remains vacant due to the lack of a sufficient number of qualified candidates in the election, the Chairperson of the Oneida Trust/Enrollment Committee shall select a candidate who, upon approval by the Oneida Trust/Enrollment Committee and the Oneida Business Committee, shall serve Ordinance, as if elected in the annual election.~~

2) ~~Resignation~~

a) ~~A resignation shall be submitted in writing at any regular Oneida Trust/Enrollment Committee meeting.~~

3) ~~Attendance~~

a) ~~Attendance at Oneida Trust/Enrollment Committee meetings is critical for the ongoing operation and growth of each department. The Oneida Trust/Enrollment Committee has high expectations when it comes to attendance; therefore, attendance will be closely monitored. Failure to attend meetings on a regular basis or missing three consecutive meeting without prior notification will prompt the Oneida Trust/Enrollment Committee to add the attendance issue to the agenda for discussion and possible action.~~

~~D.~~ Challenged Elections

1) ~~In the event of a challenged election, all Oneida Trust/Enrollment Committee members holding positions prior to the election shall remain members of the Oneida Trust/Enrollment Committee until the election dispute is resolved.~~

~~E.~~ Subcommittees

1) ~~A subcommittee may be appointed by the Chairperson of the Oneida~~

Trust/Enrollment Committee to carry out specific duties, when deemed necessary. The subcommittee shall serve until the duties with which this subcommittee has been charged are completed, and a report has been accepted by the Oneida Trust/Enrollment Committee. Upon dissolution the respective department administrative assistants are responsible for materials to be filed or destroyed.

Article II. Officers

1. Officer Selection Process

- A. Officers shall be elected by the Oneida Trust/Enrollment Committee at the first Regular monthly meeting following the final result of a valid annual election of Oneida Trust/Enrollment Committee positions, will take office, and serve a one (1) year term.
- B. If an officer position is vacated, an interim election shall be held by the Oneida Trust/Enrollment Committee to fill the office for the balance of the year.
- C. Any Oneida Trust/Enrollment Committee member nominated for an office well as defined in Article II of these bylaws may communicate acceptance of such nomination via correspondence, which may include electronic communications such as email and facsimile and written correspondence. any other rules/resolutions related thereto;
- D. Any nomination for an officer position defined in Article II can be made only by an Oneida Trust/Enrollment Committee member who is physically present at a duly called meeting of the Oneida Trust/Enrollment Committee.

2. Positions

A. Chairperson

- 1) The Chairperson presides at meetings, appoints committees, oversees all Oneida Trust/Enrollment Committee activities, schedules Special meetings, and supervises the Directors of both the Enrollment and Trust Departments. The Chair shall invite input from Committee members for evaluations.
- 2) The Chairperson of the Oneida Trust/Enrollment Committee shall serve as an ex-officio member of all established subcommittees.

B. Vice Chairperson

- 1) The Vice Chairperson acts with the same authority as the Chairperson in the absence of the Chairperson.

C. Secretary

- 1) The Secretary is responsible for correspondence and minutes of all meetings.
- 2) In the absence of the Chairperson and Vice Chairperson, the Secretary may call the meeting to order and preside until the immediate election of a Chair Pro Tem.

Article III. Committee Duties

1. The duties of the Oneida Trust/Enrollment Committee include, but are not limited to the following:

- A. Complete the Oneida Trust/Enrollment Committee Confidentiality Statement and the

~~Non-Disclosure Agreement. At the commencement of taking office, new members shall complete the forms and provide the completed forms to the Trust Director. Upon submission of forms to the Trust Director the member shall have the authority to vote and or receive a stipend payment.~~

~~B. Provide direction to the Oneida Trust and Enrollment Departments. The Directors of the Trust and Enrollment Departments are responsible to the Oneida Trust/Enrollment Committee, and under the immediate supervision of the Chairperson of the Oneida Trust/Enrollment Committee, or his or her designee. The Enrollment Director and the Trust Director shall comply with all directives of the Oneida Trust/Enrollment Committee and cooperate with the members and representatives of the Oneida Trust/Enrollment Committee.~~

~~C. (10) Report to the Oneida General Tribal Council semiannually.~~
~~D. (11) Develop policy policies relating to the trust funds and enrollment enrollments for adoption by the Oneida Trust/Enrollment Business Committee and/or the Oneida General Tribal Council; and~~

~~Oversee (12) Carry out any further or additional duties established through the laws, policies, rules and resolutions of the Nation.~~

1-4. Office. The official mailing address of the OTEC shall be:

~~E. Oneida Trust Fund distributions. Enrollment Committee~~
~~Participate in continuing training including orientation, board training and workshops pertaining to~~
P.O. Box 365
Oneida, WI 54155

1-5. Membership.

(a) Number of Members. The OTEC shall be composed of nine (9) members, one (1) of whom shall be the Nation's Treasurer.

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

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

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

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

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

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

(1) Expired Terms. Vacancies caused by the expiration of a member's

- term shall be filled by election in accordance with the laws and/or policies of the Nation governing elections.
- (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by appointment by the Oneida Business Committee pursuant to the Boards, Committees and Commissions law for the remainder of the unexpired term.
- (A) The OTEC Chairperson shall provide the Oneida Business Committee with recommendations on all applications for appointment to fill a vacancy of an unexpired term per the process set by the Boards, Committees and Commissions 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, fiduciary, Administrative 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/departamental 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 ~~general knowledge of the~~ 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;
- (c) Shall oversee all OTEC activities and meetings;
- (d) Shall supervise the Trust Enrollment Director, inviting input from the OTEC members for purposes of his or her evaluation;
- (e) Shall, personally or through a designee, submit quarterly reports to the Oneida Business Committee and annual/semi-annual reports to the Oneida General Tribal Council in accordance with the Boards, Committees and Commissions law, as well as any other applicable trust agreements/plan;
- (f) Shall be present at, or designate an OTEC member to be present at, the Oneida Business Committee meeting where the OTEC's quarterly report appears on the agenda; and
- (g) Shall serve as an ex-officio member of all established subcommittees.

2-3. Responsibilities of the Vice-Chairperson. The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

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

2-4. Responsibilities of the Secretary. The duties, responsibilities and limitations of the Secretary are as follows:

- (a) With assistance from the Trust Enrollment Department and/or the Business Committee Support Office, shall be responsible for keeping/taking minutes of OTEC meetings; submitting copies of meeting minutes to the Business Committee Support Office in accordance with the Boards, Committees and Commissions law; and making meeting minutes available to all OTEC members, as well as the public, pursuant to these bylaws and the Nation's Open Records and Open Meetings law; and
- (b) In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, shall call meetings to fill the vacancies and preside over those meetings to conduct an election of new

Officers, at which point the Chairperson, or Vice-Chairperson in absence of the Chairperson, shall preside.

2-5. Selection of Officers. Officers shall be elected by a majority vote of the members present at the first OTEC regular monthly meeting of an established quorum that follows the final result approval by the Oneida Business Committee of an election of OTEC members.

(a) OTEC Officers shall serve one (1) year terms and shall not hold more than one (1) Officer position per Officer term.

(1) If an Officer position is vacated, an interim election shall be held at the next OTEC meeting to fill the position for the balance of the year.

(b) Nominations for Officer positions may only be made by members who are present, as defined within the Boards, Committees and Commissions law, at the OTEC meeting to elect Officers.

(c) OTEC members may be dismissed from their Officer positions by majority vote of the members present at an OTEC meeting of an established quorum.

2-6. Purchases and Travel. OTEC shall follow the Nation's policies and procedures of the regarding purchasing and sign-off authority.

~~F. (a) Levels of budgetary sign-off authority for the OTEC shall be as set forth in the manual titled, Oneida Tribe of Indians of Wisconsin. Members of the Committee will also be familiar with the various trust and departmental guidelines and standard operating procedures. Purchasing Policies and Procedures, for Divisional Directors/Tribal School Chairperson/Trust~~

~~Committee/Gaming Director~~

~~G. Carry out all enrollment duties as prescribed in the Membership Ordinance and any subsequent enrollment laws.~~

~~Conduct oversight on Trust Fund investment activity, provide due diligence in all matters relating to~~ (1) All OTEC Officers have sign-off authority and two (2) Officers shall

be required to sign-off on all budgetary requests.

(A) Upon approval by both Officers, the Business Committee Support Office shall have official budgetary sign-off authority for the Trust, and maintain fiduciary responsibility in

~~management~~ OTEC.

(b) The OTEC shall approve a member's request to travel on its behalf by majority vote of the funds members present at a regular or emergency OTEC meeting of an established quorum.

2-7. Personnel. The OTEC shall have the authority to hire a Trust Enrollment Director.

(a) The hiring of a Trust Enrollment Director shall be conducted in accordance with the requirements Nation's Personnel Policies and Procedures law and shall be dependent upon available funding.

~~H.~~ (b) The duties of the ~~Oneida Trust Agreements~~ Enrollment Director shall be per the directive of the OTEC Chairperson or Chairperson's designee and as set forth in the job description and/or documents governing the position.

~~Article IV.~~ **Article III. Meetings**

~~1.~~ **3-1. Regular Meetings.**

~~A.~~ The Oneida Trust/Enrollment Committee will meet the first (1st) Tuesday of each month for Enrollments, and the fourth (4th) Tuesday of each month for the Trust. Time and place of meetings shall be established by the Oneida Trust/Enrollment Committee.

~~2.~~ **Emergency/Special Meetings**

~~A.~~ The Chairperson may call Emergency/Special meetings. There shall be a minimum of 24 hour verbal notice to all Committee members of any emergency and/or special meeting.

~~3.~~ **Agenda and Meeting Materials**

~~A.~~ The Chairperson shall approve the agenda.

~~B.~~ Notice of meeting location, agenda, and materials shall be forwarded to the Committee members by the Enrollment Department or the Trust Department, depending on the subject matter of the meeting.

~~4.~~ **Quorums**

~~A majority of the Oneida Trust/Enrollment Committee.~~ (a) Subject to subsection (1) of this section, the OTEC shall meet on the fourth Tuesday of each month for regular business, commencing at 5:00 p.m., in the Trust Enrollment Department located at 210 Elm Street in Oneida, WI. Meetings of the OTEC may be attended in person, by telephone, through videoconferencing or through other telecommunications so long as presence of each member is demonstrated consistent with the Boards, Committees and Commissions law.

(1) In February and August of each year, the OTEC shall meet on the third Tuesday of the month for Enrollment Meetings.

(2) The OTEC may change its regular meeting date, time and/or location from time-to-time as it determines necessary by majority vote of the members present at an OTEC meeting of an established quorum so long as notice is provided to all members in writing and, along with the public, in accordance with the Nation's Open Records and Open Meetings law, prior to the implementation of a new date, time and/or location.

(b) Notice of meeting location, agenda, minutes and materials shall be forwarded by the Trust Enrollment Department to all OTEC members via email communication, sent to the official Oneida Nation email address provided to members to conduct business electronically on behalf of the OTEC ("Official Email"); and notice shall further be provided to all OTEC

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

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

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

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

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

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

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

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

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

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

~~5.~~ **Parliamentary Procedure**

~~A.~~ All meetings shall be conducted in accordance with the rules contained in the current edition of ROBERT'S RULES OF ORDER, in all cases to which they are applicable, unless 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~~
- ~~Approve (c) Visitor/Community Forum~~
- ~~3) (d) Approval of Minutes~~
- ~~4) Attorney Business~~
- ~~5) (e) Old Business~~
- ~~6) (f) New Business~~
- ~~(g) Reports~~
- ~~7) (h) Other Business~~
- ~~(i) Executive Session~~
- ~~8) (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.

- (a) The OTEC encourages members to voluntarily seek help for their personal drug and alcohol-related problems.

4-4. *Social Media.* OTEC members shall comply with the Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the OTEC.

~~D.~~ 4-5. *Conflict of Interest*

1) ~~In cases where a conflict exists, a Committee member shall recuse themselves from an action, or the Oneida Trust/Enrollment Committee can vote by a majority of the quorum present to exclude a Committee member they believe has a conflict.~~

~~8.~~ *Stipends*

~~A.~~ *Meetings*

A Committee (a) It is the responsibility of each OTEC member ~~is to~~ disclose conflicts of interest.

Article V. Stipends and Compensation

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

(a) No more than twenty-four (24) meeting stipends per fiscal year, provided that:

(1) A quorum ~~has been~~ was established;

(2) The meeting of the established quorum lasted for at least one (1) hour; and

1) (3) The member collecting the stipend was present for the entire meeting as defined, as well as demonstrated, in accordance with Article IV 4 the Boards, Committees and Commissions law.

(b) A ~~Committee member's~~ stipend ~~is \$75~~ for attending meetings, regular or special, a duly called joint meeting between the OTEC and the Oneida Business Committee, provided that:

(1) A quorum was established by the OTEC;

2) (2) The joint meeting lasted for at least one (1) hour ~~regardless of the length of the meeting; and~~

3) (3) The Chairperson must supervise member collecting the departments' directors, which requires additional work. The Chairperson's stipend is \$100 for attending meetings, regular or special, at least one (1) hour regardless of the length of the ~~was present for the entire joint~~ meeting.

~~B.~~ *Conferences and Training*

1) ~~Reimbursement for conferences and training shall be~~ as defined, as well as demonstrated, in accordance with the ~~Comprehensive Policy Governing~~ Boards, Committees and Commissions, Article XI, 11-6, 11-7 and 11-8. law.

(c) A stipend for attending an Oneida Judiciary hearing so long as the member's attendance at the hearing is required by official subpoena.

(d) A stipend for attending an official hearing of the OTEC.

(e) A stipend for attending a conference or training, provided that:

(1) The amount of the stipend a member is eligible to receive for attending a conference or training shall be dependent on whether the member attended up to four (4) hours of a conference/training or more than four (4) hours of a conference/training; and

(2) The member's attendance at the conference or training was required by law, bylaws or resolution.

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

~~Article V.~~ Article VI. Records and Reporting

~~1. General~~

~~A. The Oneida Trust/Enrollment Committee will report to the Oneida General Tribal Council semiannually.~~

~~2. Format~~

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

~~3. 6-2. Minutes~~

~~A. Minutes shall be typed and prepared in a consistent format designed created by the Business Committee~~ Support Office, following the order of business set forth in section 3-5 of these bylaws, to generate the most informative record of the meetings of the Oneida Trust/Enrollment Committee meeting.

~~(a) The Oneida With assistance from the Trust Enrollment Department will provide copies of minutes of the Oneida Trust/Enrollment and/or Business Committee meetings pertaining to Support Office, the Trust to the OTEC Secretary shall submit a copy of the Oneida approved OTEC minutes and agenda to the Business Committee Support Office within a reasonable time after thirty (30) days of approval by the Oneida OTEC.~~

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

~~B.~~ (a) The Trust/Enrollment ~~Committee~~ Department shall submit any handouts, reports, memoranda and the like with the respective original minutes and agenda.

(b) The ~~Oneida Trust~~ Enrollment Department ~~will provide~~ shall maintain all original copies of the minutes ~~of the~~ agenda and attachments in accordance with the Open Records and Open Meetings law.

~~6-4. Oneida Trust/Enrollment~~ Business Committee meetings ~~pertaining to Enrollments to the Secretary Liaison.~~ The OTEC shall regularly communicate with the

~~member~~ of the Oneida Business Committee ~~within a reasonable time after approval by the Oneida Trust/~~ who is its designated liaison. (a) The frequency and

method of communication shall be as agreed upon by the OTEC and the liaison, but not less than as established by the Oneida

Business Committee or the Oneida General Tribal Council.

(b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the OTEC.

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

~~C.~~ (a) The Trust Enrollment ~~Committee~~ Department shall maintain the original digital audio recordings and submit a digital copy to the Business Committee Support Office within thirty (30) days after the OTEC approves the corresponding meeting minutes.

~~D. All copies of minutes will be stamped confidential and held by the Tribal Secretary in a sensitive documents area of tribal records.~~

~~E. Original minutes of the Oneida Trust/Enrollment Committee meetings will be stamped confidential and held by each respective department in a sensitive documents area.~~

~~4. Attachments~~

~~A. Handouts, reports, memoranda, and the like shall be attached to the original minutes and agenda.~~

~~Article VI. Amendments~~

(b) Exception. Audio recordings of executive session portions of a meeting shall not be required.

Article VII. Amendments

~~1.~~ 7-1. Amendments. At the first regular meeting following certification of election results, and annually thereafter, a review of these ~~Bylaws~~ will ~~bylaws shall~~ be conducted ~~in order by the~~ OTEC to determine that they are current.

~~2.~~ (a) The ~~Oneida Trust/Enrollment Committee~~ OTEC, upon written notice, may, at any of its ~~Regular~~ regular meetings, ~~of an~~ established quorum by

majority vote of ~~voting~~the members, present, ~~adopt, at the meeting,~~ amend,
or repeal any or all sections of ~~the Bylaws~~these bylaws; provided ~~that,~~ the
proposed amendment or request for repeal ~~has been~~is submitted ~~in writing at~~
~~the previous regular monthly meeting~~to the Oneida Business Committee.

(1) All Any amendments ~~are subject to subsequent approval by~~to these
bylaws shall conform to the requirements of the Boards,
Committees and Commissions law and any other policy
of the Nation.

3. Amendments or repeals to these bylaws shall be approved by the Oneida
Business Committee and, when necessary, the Oneida General Tribal
Council.

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

Approved by General Tribal Council: July 2, 2012

CERTIFICATION

I, the undersigned, as Chairperson of the Oneida Trust/Enrollment Committee, hereby certify that the Bylaws, as amended and revised, were adopted by the Oneida Trust/Enrollment Committee on the ____ day of _____, 2012.

Carole Liggins, Chairperson

Oneida Trust/Enrollment Committee

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council, in session with a quorum of ____ members present, at a meeting duly called, noticed and held on the ____ day of _____, 2012; that the foregoing bylaws were duly adopted at such meeting by a two-thirds vote of those present and that said bylaws have not been amended in any way.

Patricia Hoeft, Tribal Secretary

Oneida Business Committee

(b) before implementation.



Oneida Trust Enrollment Committee Bylaws Amendments Legislative Analysis

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Amendments	<ul style="list-style-type: none"> ○ To comply with the September 2018 amendments to the Boards, Committees and Commissions law (“BCC Law”), which provide that, within a reasonable time after the BCC Law’s adoption, all existing boards, committees and commissions of the Nation must present bylaws for adoption that comply with the format and contain the minimal amount of information prescribed in the BCC Law, including: <ul style="list-style-type: none"> • The process for filling vacancies on the Oneida Trust Enrollment Committee (“OTEC”); • The qualifications necessary for membership on the OTEC; • The Officer positions on the OTEC, as well as the process for selecting those Officers and the duties assigned to each specific Officer position; • The behavioral expectations of those serving on the OTEC; • The process for terminating and/or removing a member of the OTEC; • The requisite training/conferences for members of the OTEC; • Stipend eligibility; and • The process for further amendments to the OTEC bylaws. <i>[I O.C. 105.10-1(a)]</i>. ○ To comply with the directive from the Oneida Business Committee (“OBC”) to include certain across-the-board amendments to all of the boards, committees and commissions’ bylaws that have not been expressly granted an exception.
Purpose	The OTEC was established by the Oneida General Tribal Council (“GTC”) through resolution GTC-04-28-74 to be responsible for all aspects of the Nation’s Tribal enrollment and trust assets.
Related Legislation	Oneida Nation Constitution; Administrative Rulemaking law; Administrative Procedures Act; Legislative Procedures Act; Per Capita law; Trust Scholarship Fund Policy; Membership Ordinance; Endowments law; Children’s Burial Fund law; General Tribal Council Meeting Stipend Payment Policy; BCC Law; Election law; Removal Law; Social Media Policy; Oneida Travel and Expense Policy; Conflict of Interest law; Open Records and Open Meetings law; Vehicle Driver Certification and Fleet Management law.
Enforcement/Due Process	OTEC members are elected under the Nation’s Election law and vacancies in un-expired terms are filled by the OBC pursuant to the BCC Law. <i>[Proposed Bylaws 1-5(b) and (c)]</i> . Elected OTEC members may be removed from their position under the Removal Law and appointed OTEC members may be terminated from their positions by the OBC in accordance with the BCC Law. <i>[Proposed Bylaws 1-6]</i> . Upon recommendation of an OBC member or the OTEC, an OTEC member may have his or her appointment terminated by the OBC by a two-thirds majority vote. The OTEC’s recommendation for termination must be approved by majority vote of the OTEC members present at an OTEC meeting of an established quorum <i>[Proposed Bylaws 1-6(c)]</i> and OBC’s decision to terminate an OTEC member’s appointment is final <i>[I 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
 - 49 ○ Although the OBC will ultimately decide who to appoint to fill a vacancy in an unexpired
50 term, a provision was added to this section that will require the OTEC Chairperson to
51 provide the OBC with a recommendation for appointment, with the recommendation being
52 decided by a majority vote of the members present at an OTEC meeting of an established
53 quorum. [*Proposed Bylaws 1-5(c)(2)(A) – (B)*].
- 54 ▪ **Section 1-6 – Termination/Removal.** This section was revised to make the removal and termination
55 of members from the OTEC consistent with the requirements set forth in the BCC Law. [*1 O.C.*
56 *105.7-4*].
57
 - 58 ○ Elected Members of the OTEC. Under the proposed bylaws, elected members of the OTEC
59 would be removed from their seats in accordance with the Nation's Removal law.
60 [*Proposed Bylaws 1-6(a)*].
 - 61 ○ Appointed Members of the OTEC. Under the proposed bylaws, appointed members of the
62 OTEC would be terminated by the OBC in accordance with the BCC Law. [*Proposed*
63 *Bylaws 1-6(c)*].
64
 - 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
 - 76 ○ Per the directive of the OBC, the following limitation was added to all bylaws that are
77 governed by the BCC Law:
78
 - 79 • Regardless of the number of trainings/conferences that he or she is required to
80 attend, no member of the OTEC shall be eligible to receive stipends for attending
81 more than five (5) full days of mandatory trainings/conferences per year.
82 [*Proposed Bylaws 1-7(c)*].
 - 83 • Impact: By adding a limitation on the number of mandatory trainings/conferences
84 a member may receive a stipend for in a one-year period, the OTEC is not being
85 limited in the amount of training/conferences it can require its members to attend.
86 Rather, it is limiting the number of trainings/conferences that would be considered
87 stipend eligible. This provides an avenue for protecting the Nation from the fiscal
88 burden that could ensue if stipend eligibility restrictions were not put in place,
89 while preserving OTEC's autonomy in deciding how many trainings/conferences
90 it feels are necessary for members to attend.

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
 - 91 ○ To submit, either personally or through a designee, annual and semi-annual reports to the
92 GTC, as well as quarterly reports to the OBC, in accordance with the BCC Law [*Proposed*
93 *Bylaws 2-2(e)*]; and
 - 94 ○ To attend, or designate an OTEC member to attend, the OBC meeting in which OTEC's
quarterly report appears on the agenda [*Proposed Bylaws 2-2(f)*].

- *Impact:* The BCC Law requires that entities provide certain reports to the GTC, as well as the OBC, in the manner prescribed therein and that at least one (1) member of the entity attend the OBC meeting where their quarterly report appears on the agenda. [1 O.C. 105.12-3]. By assigning these duties to the ONEPC Chairperson, it creates an extra layer of oversight to ensure compliance with the law.
- **Section 2-4 – Responsibilities of the Secretary.** The following item was added to the Secretary's assigned responsibilities under this section of the proposed bylaws:
 - In the event that both the Chairperson and Vice-Chairperson positions become vacant before the end of their terms, a provision was added that allows the Secretary to call OTEC meetings to fill the vacancies and to preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, would preside. [Proposed Bylaws 2-4(b)].
- **Section 2-6 – Selection of Officers.** The following items were added to this section of the proposed bylaws.
 - A provision was added that allows for OTEC members to be dismissed from their Officer positions by a majority vote of the members present at an OTEC meeting of an established quorum. [Proposed Bylaws 2-5(c)].
 - *Impact:* This provision applies only to Officer positions on the OTEC, meaning that an OTEC member may be stripped of his or her Officer position by a majority vote of the OTEC, but would remain an OTEC member unless terminated or removed in accordance with governing law.
 - A second provision was added to clarify that Officers of the OTEC shall not be allowed to hold more than one (1) Officer position per Officer term. [Proposed Bylaws 2-5(a)].
- **Section 2-7 – Purchases and Travel.** Per the BCC Law, this section of the proposed bylaws must identify how the OTEC intends to approve purchases and/or travel on its behalf. [1 O.C. 105.10-3 (b)(6)]. It was updated as follows to comply therewith:
 - OTEC must follow the Nation's policies and procedures regarding purchasing and sign-off authority [Proposed Bylaws 2-6];
 - OTEC's level of budgetary sign-off authority must be consistent with the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Divisional Directors/Tribal School Chairperson/Trust Committee/Gaming Director [Proposed Bylaws 2-6(a)];
 - All OTEC Officers will have sign-off authority and two (2) Officers will be required to sign-off on all budgetary requests [Proposed Bylaws 2-6(a)(1)]; and
 - Upon approval by the OTEC Officers, the Business Committee Support Office will have official budgetary sign-off authority for the OTEC. [Proposed Bylaws 2-6(a)(1)(A)].
 - OTEC must approve a member's request to travel on its behalf by majority vote of the members present at a regular or emergency OTEC meeting of an established quorum [Proposed Bylaws 2-6(b)].

C. Article III. Meetings

- **Section 3-1 – Regular Meetings.** Per the BCC Law, this section of the proposed bylaws must identify, at a minimum, when and where regular meetings of the OTEC will be held and how the OTEC intends to provide notice of the meeting agenda, documents and minutes. [1 O.C. 105.10-3 (c)].
 - Under its current bylaws, the OTEC is required to meet the first Tuesday of each month for Enrollments, and the fourth Tuesday of each month for the Trust, with the time and place of such meetings to be established by the OTEC. [OTEC Bylaws 1(A)]. Because this

section only vaguely addresses when and where regular meetings of the OTEC must be held, the following provisions were added to ensure compliance with the BCC Law:

- That, but for the months of February and August wherein the OTEC shall meet on the third Tuesday of each month, the OTEC shall meet on the fourth Tuesday of each month, commencing at 5:00 p.m. in the Trust Enrollment Department located at 210 Elm Street in Oneida, Wisconsin. *[Proposed Bylaws 3-1(a)]*; and
 - That, the OTEC meeting date, time and/or location may change from time-to-time as determined by a majority vote of the members present at an OTEC meeting of an established quorum so long as notice is provided in accordance with the Open Records and Open Meetings law prior to implementation of a new date, time and/or location *[Proposed Bylaws 3-1(a)(2)]*;
 - Impact: The above provisions not only ensure compliance with the minimal requirements for this section under the BCC Law, but offer OTEC flexibility by allowing for the established date, time and/or location of its meetings to change when deemed necessary by majority vote; provided, the OTEC affords public notice of such change or changes in advance of implementation.
 - That, in addition to requirements already set forth in its current bylaws, notice of OTEC meetings must further be provided in accordance with the Open Records and Open Meetings law *[Proposed Bylaws 3-1(b)]*; and
 - That, OTEC meetings may be attended in person, by telephone, through video conferencing or through other telecommunications; provided, the presence of any member attending a meeting virtually is demonstrated in accordance with the BCC Law *[Proposed Bylaws 3-1(a)]*.
 - Impact: With the COVID-19 pandemic, the Nation was forced to adjust many of its customary practices, including how it holds meetings by conducting them virtually or with very limited access to the public. This provision gives similar flexibility to the OTEC to allow for the same so long as the following occurs in compliance with the BCC Law:
 - (1) OTEC demonstrates the presence of its members during a meeting by taking roll call on the record at both the beginning and end of the meeting; and
 - (2) If an OTEC member has a technological issue during a meeting and it disrupts the member's presence, he or she notifies the OTEC of the technological issue as soon as possible. *[1 O.C. 105.13-3(c)-(d)]*.
- **Section 3-3 – Emergency Meetings.** Per the BCC Law, this section of the proposed bylaws must, at a minimum, identify what constitutes an emergency; how emergency meetings are to be called; and how notice of an emergency meeting must be provided. *[1 O.C. 105.10-3]*. Currently, the OTEC's bylaws provide that "[t]he Chairperson may call Emergency/Special meetings" and that there "shall be a minimum of 24 hour verbal notice to all Committee members of any emergency and/or special meeting." *[OTEC Bylaws 2(A)]*. In order to comply with the BCC Law, the term "special meeting" was deleted from this section and the following was added:
- That, an emergency meeting of the OTEC may be called when there is an imminent issue that needs to be addressed by the OTEC before its next regular meeting which requires a thorough discussion, and thus, cannot be done by e-poll *[Proposed Bylaws 3-2]*;
 - That, the Trust Enrollment Department must provide notice of an emergency meeting to all OTEC members in writing, as well as by telephone call, at least twenty-four (24) hours before the scheduled meeting and must further provide notice in accordance with the Nation's Open Records and Open Meetings law *[Proposed Bylaws 3-2(b)]*; and
 - That, within seventy-two (72) hours of holding an emergency meeting, the OTEC shall 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 4-1]*.
207
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

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

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

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

- D. **Membership Ordinance [1 O.C. Chapter 124].** This law governs the implementation of membership enrollment procedures according to the Oneida Constitution and authorizes OTEC to be the official committee designated by the GTC to be responsible for all aspects of Oneida tribal enrollment including maintaining the official roll of the Oneida Nation, enrollment procedure and appeals/review of enrollment decisions. [1 O.C. 124.3-1(e)]. There are no conflicts between the proposed bylaws amendments and the Nation's Membership Ordinance.
- E. **Per Capita Law [1 O.C. Chapter 123].** This law governs how per capita payments are distributed to Members of the Oneida Nation and assigns certain responsibilities set forth therein to the OTEC. [1 O.C. 123.4-5]. There are no conflicts between the proposed bylaws amendments and the Nation's Per Capita law.
- F. **Trust Scholarship Fund Policy [9 O.C. Chapter 901].** This law governs the establishment of a trust fund for providing financial aid scholarships to assist eligible enrolled Oneida Members in securing higher educational opportunities. The OTEC is responsible for the management of the fund, including the drawdown of the fund for scholarship allocation [9 O.C. 901.8-1]. There are no conflicts between the proposed bylaws amendments and the Nation's Trust Scholarship Fund Policy.
- G. **Endowments Law [1 O.C. Chapter 131].** This law governs the establishment and maintenance of all endowment fund accounts established by the Nation. The OTEC has exclusive control of the investment and collection of principal, interest and investments of all monies deposited in, and income derived from, all Oneida Nation endowment accounts. [1 O.C. 131.6-1]. The OTEC is authorized to hire a director on its behalf to submit quarterly itemized financial reports of all endowment fund accounts to OTEC and the Office of the Nation's Treasurer [1 O.C. 131.7]. There are no conflicts between the proposed bylaws amendments and the Nation's Endowments law.
- H. **Children's Burial Fund Law [1 O.C. Chapter 129].** This law provides financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation. [1 O.C. 129.1-1]. Decisions of the Oneida Trust Enrollment Department as to the eligibility of a deceased child for financial assistance from the Children's Burial Fund are appealed to the OTEC. [1 O.C. 129.7-1]. There are no conflicts between the proposed bylaws amendments and the Children's Burial Fund law.
- I. **General Tribal Council Meeting Stipend Payment Policy [1 O.C. Chapter 111].** This law governs payments of stipends for attendance at GTC meetings. Eligible GTC members are eligible for a stipend for attending GTC meetings when a quorum is established and maintained and where official business of the Nation is conducted. OTEC is granted hearing body authority under this law to hear appeals of the Trust Enrollment Departments decisions made hereunder. [1 O.C. 111.6-2]. There are no conflicts between the proposed bylaws amendments and the General Tribal Council Meeting Stipend Payment Policy.
- J. **Boards, Committees and Commissions [1 O.C. Chapter 105].** This law governs the establishment, composition and operation of the Nation's elected and appointed boards, committees and commissions. It establishes the procedures for appointing/electing people to a board, committee or commission; the

mandate for creating bylaws and the minimal information to be included therein; the recording and record keeping requirements relating to board, committee and commission meetings, including the manner in which information is reported to the OBC and the GTC; the eligibility requirements for stipends, compensation and reimbursement; and other processes relating to the operation of the Nation's boards, committees and commissions.

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

- K. **Election Law [1 O.C. Chapter 102].** This law governs the process for election of a member to OTEC. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. There are no conflicts between the proposed bylaws and the Nation's Election law.
- L. **Removal Law [1 O.C. Chapter 104].** This law governs the process for removing an elected member of the OTEC. OTEC members that are elected by the qualified voting membership of the Nation are subject to this law. This law contains due process measures related to specific causes for removal, petition requirements, preliminary review by the Judiciary, a hearing that includes potential witnesses and a burden of proof by a person seeking the removal by clear and convincing evidence that ground(s) for removal exist and a Special GTC Meeting that requires a 2/3 affirmative majority vote. There are no conflicts between the proposed bylaws and the Nation's Removal law.
- M. **Social Media Policy [2 O.C. Chapter 218].** This law regulates social media accounts, including how content is managed and who has the authority to post on social media on behalf of the Nation. OTEC members are required to follow the Nation's Social Media Policy, as well as their Oath of Office, when acting in their official capacity as an ONEPC member. [Proposed Bylaws 4-4]. There are no conflicts between the proposed bylaws and the Nation's Social Media Policy.
- N. **Travel and Expense Policy [2 O.C. Chapter 219].** Members of OTEC are eligible to be reimbursed for travel and per diem to attend a conference or training in accordance with this policy. All travel must be authorized by the sign-off authority listed in the proposed bylaws and in a manner that is consistent with this law. [2 O.C. 219.4-2]. There are no conflicts between the proposed bylaws and the Nation's Travel and Expense Policy.
- O. **Conflict of Interest Law [2 O.C. Chapter 217].** This law establishes specific limitations on the handling, as well as sharing, of information or materials that are confidential in nature or could be used by the Nation's competitors and/or providers during the negotiation process to the detriment of the Nation. [2 O.C. 217.1-1]. It applies to the Nation's employees, contractors, elected officials, officers, political appointees and appointed/elected members of the Nation's boards, committees and commissions. [2 O.C. 217.1-1]. With respect to conflicts of interest, the proposed bylaws state that OTEC members shall abide by all laws of the Nation governing conflicts of interest. [Proposed Bylaws 4-5]. The proposed bylaws comply and do not conflict with the Nation's Conflict of Interest law.
- P. **Open Records and Open Meetings Law [1 O.C. Chapter 107].** This law sets the requirements for how meetings of the Nation's governmental bodies shall be conducted and how materials from that meeting maintained, as well as made available to the public. [1 O.C. 107.1 & 107.12]. "Governmental bodies" encompasses most of the Nation's boards, committees and commissions, the 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.

Oneida Business Committee Agenda Request

Post one (1) vacancy - Oneida Police Commission

1. Meeting Date Requested: 3 / 10 / 21

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header: New Business

- ☐ Accept as Information only
☒ Action - please describe:

Post one (1) vacancy - Oneida Police Commission

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
☐ Other:

1. 3.
2. 4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Liggins, Secretary

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

There is one (1) vacancy on the Oneida Police Commission (OPoC) due to a resignation that needs to be posted, the vacancy is for a term ending July 31, 2022.

According to the OPoC bylaws section 1-5.c.2. (2) For vacancies in unexpired terms, a replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.

Action requested:

Post one (1) vacancy for the Oneida Police Commission.

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

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

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

Oneida Business Committee Agenda Request

Authorize the use of stories from the Wisconsin Oneida Language Preservation Project by Dr. Wendi...

1. Meeting Date Requested: 3 / 10 / 21

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

New Business

- ☐ Accept as Information only
- ☒ Action - please describe:

Motion to authorize the use of stories from the Wisconsin Oneida Language Preservation Project by Dr. Wendi Sierra for the purposes of creating interactive narratives to teach vocabulary words in Oneida.

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☒ Other:

1.

Correspondence

2.

3.

4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☒ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Jo Anne House, Chief Counsel

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Dr. Wendi Sierra, Assistant Professor of Games Studies, John V. Roach Honors College, Texas Christian University is requesting access to utilize stories developed located in the University of Wisconsin materials "The Wisconsin Oneida Language Preservation Project" located at <https://search.library.wisc.edu/digital/AOneida>.

The materials contain the following copyright statement:

"Oneida Tribe of Indians of Wisconsin 2009. All rights reserved.

No part of the publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written permission of the Oneida Tribe of Indians of Wisconsin.

The copyright for all material in this collection is held by the Oneida Tribe of Indians of Wisconsin. Written authorization from the Oneida Tribe of Indians of Wisconsin is required prior to reproducing items in the collection for publication or exhibition."

Initial projects would utilize the Green Corn Bread and Crow and His Cheese stories. A sample of the creation story by Dr. Sierra is located at <http://oneida.secondavesoftware.com/>.

I am requesting approval of the use of the stories and will send correspondence if approved.

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

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

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

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel
Kelly M. McAndrews | Senior Staff Attorney

Carl J. Artman
Krystal L. John
Peggy A. Schneider

Law Office



February 17, 2021

Wendi Sierra, PhD
Onʔayoteʔa·ká· niʔi·. Ano:wal niwaki'taló:ta
Assistant Professor of Games Studies
John V. Roach Honors College
Texas Christian University
Via e-mail: W.Sierra@tcu.edu

RE: Authorization to Utilize Stories from the Wisconsin Oneida Language Preservation Project

Dear Dr. Sierra:

I have received your request to utilize stories from the Wisconsin Oneida Language Preservation Project to develop browser-based games. You have identified that these games will use “interactive narratives to teach vocabulary words on Oneida.”

The Oneida Nation has a strong initiative in teaching the Oneida language and preserving its use and understanding. I have presented your request to the Oneida Business Committee for approval. At the regular meeting on March __, 2021, the Oneida Business Committee adopted the following motion.

Motion to authorize the use of stories from the Wisconsin Oneida Language Preservation Project by Dr. Wendi Sierra for the purposes of creating interactive narratives to teach vocabulary words in Oneida.

Thank you for your work in helping to maintain and further the knowledge of the Oneida language.

If you have further questions, please contact me.

Sincerely,

ONEIDA LAW OFFICE

By: _____
Jo Anne House, Chief Counsel
Wisconsin State Bar No. 1021514

W-7

Green Corn Bread

Boil some young beans. Then scrape the green corn off some young Indian corn (white flint corn) and use a knife to scrape off the corn. Then mix the corn and beans. And you throw in a little bit of salt. Then you stir it. Put some grease in a baking pan. Then you'll put it in and fry it for maybe one hour. Then you'll remove the bread and cool it. Then you will slice it and butter it for yourself. Boy, that's good tasting bread.

X-21

Ká·ka okhale? Laotsí·s
crow and his cheese

Uskah útlátste? ka?i·kál léhsaks thok náhte?
-atlatst- -ehsak- -oht-
one time this one he seeks something

ahatekhu·ní·. Wahatsi?slo·láne tho yakΛ? ya?tha·tál
-atekhuni- -tsi?slolΛ?- -tΛ-
for him to eat he found cheese there they say he flew

tsi? tkalu·tóte onhahtá·ke. Onál skΛhnáksΛ
-lutot- -nhaht- -ihnaksΛ-
to a tree branch then a fox

tehotawΛlyeháti. Wahál·lu?, “Oh tho uhte? na?ákyele?
-atawΛlye- -ihlu- -yel-
he is travelling he said what might I do

aktsi?slaye·ná· thikál lónhute?” Wahál·lu? skΛhnáksΛ,
-tsi?slayena- -nhut- -ihlu- -ihnaksΛ-
for me to get that in his mouth he said the fox

“Saya?tawyalstu kΛnyál sa uhte? kalΛni·yó kanyó onál
-ya?tawyalst- -lΛniyo-
you are handsome indeed it must be a good song when

wa?teslí·wahkwē, Λwa·tú kΛ tΛsklihwáhkwaΛhse?”
-lihwahkw- -atu- -lihwahkwΛhs-
you sing is it possible for you to sing for me

Onál kwi tahatáhsawΛ wa?thalí·wahkwē. Saho?nikúlha ne
-atahsawΛ- -lihwahkw- -?nikulha-
then he began he sang he forgot

tsi? lotsi?slánhute. Tsi? onál wahotsí·slΛhse, onál kwi ne?n
-tsi?slanhut- -tsi?slΛ?s-
that he had cheese in his mouth when he dropped the cheese then

Oneida Business Committee Agenda Request

Accept the recommendation to approve of documentary film request regarding Applefest

1. Meeting Date Requested: __ / __ / __

2. General Information:

Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Recommendation to approve documentary film request regarding Applefest.

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel
Kelly M. McAndrews | Senior Staff Attorney

Carl J. Artman
Krystal L. John
Peggy A. Schneider
Lydia M. Witte

Law Office



M E M O R A N D U M

TO: Oneida Business Committee

FROM: Jo Anne House, Chief Counsel

DATE: March 2, 2021

SUBJECT: Film Request – Spoonhunter – “*Holder of the Sky*”

Digitally signed
by Jo Anne House
Date: 2021.03.02
11:49:49 -06'00'

Tsanavi Spoonhunter is a director and producer wishing to film a documentary regarding the Oneida Nation and the relationship with the Village of Hobart focused on the Applefest litigation. The proposed film would be filmed in a documentary style utilizing non-scripted interviews.

Ms. Spoonhunter has a Master of Journalism from the University of California-Berkley and a Bachelor of Arts from the University of Nevada-Reno. She has received awards in directing and regarding her journalism. Ms. Spoonhunter is an enrolled member of the Norther Arapaho Tribe.

Since the litigation has been concluded, no appeal to the U.S. Supreme Court was made, there is less legal concern regarding the scope of this proposed film. However, I would recommend if approval is given, that the Law Office be involved in review of the presentation of legal concepts prior to release.

It is possible that the film could have a positive effect on the relationship by presenting both ‘sides’ of this issue and clearing up misconceptions regarding the Oneida Nation’s governmental responsibilities and philosophies.

Recommended Motion: Motion to approve Tsanavi Spoonhunter to film her proposed documentary “Holder of the Sky” on the Oneida Reservation and to require that any final version of the documentary be reviewed by the Oneida Law Office to ensure the accuracy of legal concepts presented in the documentary.

From: Tsanavi Spoonhunter <tsanavi@gmail.com>
Date: February 12, 2021 at 1:53:56 PM CST
To: Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: "Danelle A. Wilson" <dwilson1@oneidanation.org>, "Melinda J. Danforth" <mdanforj@oneidanation.org>
Subject: Request for Film Access

Chairman Tehassi Tasi Hill,

My name is Tsanavi Spoonhunter and I'm a Paiute and Arapaho filmmaker working on a project surrounding Oneida and Hobart relations. It will lightly touch on tribal relations between most of the 11 tribes and the state of Wisconsin.

I'm planning to move to Wisconsin later this year and actively begin filming, especially during the Onedia's Apple Festival in September (pending COVID state approval, and Oneida's approval).

A little background: I learned of the lawsuit, *Oneida Nation v. Village of Hobart*, through Brandon Stevens, current VP a few years ago. Since then, I've been researching and developing the documentary and was recently selected for a residency at SFFILM in San Francisco, which will support this work. I've been in touch with a few other tribal members and one is Rebecca Webster. She prompted this email, and I'm glad she did because I want to be formal in my approach and respect protocol.

I've attached an overview of the film below, the file is titled 'HOTS_ts'. Some details have changed, but this is generally where the film is headed. Additionally, if it interests you, I'll share a private link to my latest film. It's titled, [Crow Country: Our Right to Food Sovereignty](#), and has won [Best Documentary Short](#) at the [American Indian Film Festival](#). It will screen at the Smithsonian National Museum of the American Indian this April, but has yet to be announced.

LINK: <https://vimeo.com/442544359>

PASSWORD: CROW_Master_TS

That being said, I hope you and the tribal council consider allowing myself and my film crew access to the festival, and on tribal lands (collecting landscape and drone footage).

Thanks for your time and I look forward to your response.

With deep gratitude,

Tsanavi

--

Tsanavi Spoonhunter
Reporter | Filmmaker
Northern Arapaho | Northern Paiute
[SFFILM FilmHouse Resident](#), 2021

C: 760.920.3129

E: Tsanavi@gmail.com



Holder of the Sky

A documentary film by Tsanavi Spoonhunter

Overview

Last year in Wisconsin, at the annual Oneida Nation Big Apple Festival, tribal wildlife officials released a rehabilitated bald eagle into the air. It was a symbol of healing derived from the tribe's creation story, an oral history about the Holder of the Sky. A tale of two twins competing for two very different lifeways—one plotting a path for peace, the other, for poison—when goodness prevailed, the right handed twin earned the Oneida's fabled namesake.

Today, a similar story of two competing ideas is playing out on the bucolic Oneida Nation Apple Orchard, a 30-acre tree farm nestled against the wealthy Village of Hobart. It is an unlikely setting for a battle over taxes and land entitlements, but here in central Wisconsin, the tensions between the Oneida tribe and the local community have grown to what one public radio journalist described as being as thorny as the Israeli-Palestinian conflict. "Do Native tribes really have the ability to buy land that non-Native people currently live on, including, eventually, an entire town?" she asked. The simple answer is yes.

Through cinematic verite and compelling character-driven narratives, *Holder of the Sky* will journey to the Oneida Nation as it attempts to reclaim swindled land and restore tribal identities erased by centuries-old agreements made with the United States. A story of strength and resiliency set on an apple farm in middle America, the film will unearth a buried truth about the colonization of this country—a lesson that wasn't taught in schools, but should be.

Approved Oneida Airport Hotel Corporation resolution entitled Resolution Number 02-24-21 A Resolution

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 10 / 21

2. General Information:

Session: ☐ Open ☒ Executive - See instructions for the applicable laws, then choose one:

Other - type reason

Agenda Header: New Business

☒ Accept as Information only

☐ Action - please describe:

3. Supporting Materials

☐ Report ☒ Resolution ☐ Contract

☐ Other:

1. Resolution 02-24-21 Amendment of ByLaws

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution

☐ Budgeted - Grant Funded

☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Kathy Hughes, OAHG Chairwoman

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Airport Hotel Corporation

2040 Airport ~ Green Bay, WI 54313
(920) 405-6410 ~ Fax: (920) 494-1425

RESOLUTION NUMBER 02-24-21 A RESOLUTION TO APPROVE AMENDMENT OF BYLAWS

WHEREAS, the Board of Directors of Oneida Airport Hotel Corporation deems it to be in the best interests of the Corporation that the following actions be taken by the Members of this corporation pursuant to this Resolution;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to applicable law, the undersigned, being all of the Members of this corporation hereby consent to, approve, and adopt the following:

AMENDMENT OF BYLAWS:

BE IT FURTHER RESOLVED, that Article I, Section 4 of the Bylaws of this corporation is hereby to amend such Section with the following:

Section 4: E. Board Structure & Qualifications: In order to provide the diversity and experience needed to efficiently manage the Corporation, the following structure and qualifications have been set forth:

1. Each member will have either a Law Degree, Bachelor's degree, or 5 years of experience in one of the areas of financial, general accounting, business and management experience in the hospitality industry or general business and management procedures.

BE IT FURTHER RESOLVED that all other provisions of the Bylaws as adopted shall remain in effect and the foregoing amendment shall be incorporated into the standing Bylaws of the Oneida Airport Hotel Corporation.

PASSED AND ADOPTED this the 24th day of February 2021 by a unanimous vote of the Board of Directors of Oneida Airport Hotel Corporation.

- Kathy Hughes, Chairwoman
- Patricia Lassila, Secretary/Treasurer
- Kateri Baker, Member

Signed and dated by the Chairwoman of the Board of Directors of the Oneida Airport Hotel Corporation on this the 24th day of February, 2021.



ATTEST:Signature: *Patricia Lassila*

Name: Patricia Lassila

Secretary of the Board

APPROVED:Signature: *Kathy Hughes*

Name: Kathy Hughes

Chairwoman of the Board

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution regularly presented to and adopted by the Board of Directors of the Oneida Airport Hotel Corporation via a in person meeting held between on the 24th day of February, at which a quorum was present and voted, and that such resolution is duly recorded in the minute book of this corporation; that the officers named in said resolution have been duly elected or appointed to, and are the present incumbents of the respective offices set after their respective names; and that the signatures set above their respective names are their true and genuine signatures.

Patricia Lassila

Patricia Lassila

Secretary of the Board

Redline for proposed amendments

E. Board Structure & Qualifications: In order to provide the diversity and experience needed to efficiently manage the Corporation, the following structure and qualifications have been set forth:

1. Each member will have either a Law Degree, Bachelor's degree ~~with at least 2, or 5~~ years of ~~work~~ experience in ~~his or her chosen field~~ one of the areas of financial, general accounting, business and management experience in the hospitality industry or general business and management procedures.
2. One member will be a Business Committee representative assigned as an Ad Hoc member with no voting rights.

All qualified applicants should possess a working knowledge of the Oneida Tribe of Indians of Wisconsin. Vacancies will be advertised in accordance with Tribal policy. The Board of Directors will review all applications and submit 2 recommendations to the Business Committee for approval for each appointment.

BY-LAWS OF THE ONEIDA AIRPORT HOTEL CORPORATION

ARTICLE I. - AUTHORITY

SECTION 1. Name - The name of this corporation chartered by the Oneida Tribe of Indians of Wisconsin is the Oneida Airport Hotel Corporation. The Oneida Tribe of Indians of Wisconsin confers on the Corporation all the rights, privileges and immunities existing under federal and Oneida tribal laws.

SECTION 2. Authority - The Oneida Business Committee granted a corporate charter based upon authority vested in it by the Oneida General Tribal Council, Oneida Tribe of Indians of Wisconsin pursuant to Article IV, Section 1(g) of the Constitution and By-Laws of the Oneida Tribe of Indians of Wisconsin and pursuant to the exercise of the sovereign rights, future and reserved, of the Oneida Tribe of Indians of Wisconsin by Article IV, Section and 3 of the Constitution and By-Laws of the Oneida Tribe of Indians of Wisconsin, duly approved by the Secretary of the Interior on December 21, 1936.

A. Contracts: The Board of Directors may authorize any officer or officers, agent or agents to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, any such authority may be general or confined to specific instances.

B. Loans: No loans greater than \$5,000.00 shall be contracted on behalf of the Corporation and evidence of indebtedness shall not be issued in the corporation's name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

C. Checks, Drafts, Etc.: All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the Corporation, shall be signed by such officer or officers, the agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

D. Deposits: All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

SECTION 3. Office - The principle office of the Corporation shall be on the Oneida Indian Reservation. The Corporation may have such other office, either within or without the Oneida Reservation as the business of the corporation may require from time to time. The official Corporation mailing address is 2040 Airport Drive, Green Bay, Wisconsin 54313.

SECTION 4. Membership - the Board of Directors shall manage the business and activities of the Corporation. The Board of Directors shall have control and management of the business and activities of the Corporation. The Directors shall in all cases act as a Board. The Directors may adopt such rules and regulations for the conduct of their meetings and the management of the Corporation, as they may deem proper, not inconsistent with law, these By-Laws, the Charter of Incorporation, tribal ordinances and/or the Oneida Tribal Constitution.

ARTICLE I. - AUTHORITY continued

A. Number of Members: The Board of Directors as established by the Corporate Charter shall consist of five (5) enrolled members of the Oneida Tribe of Indians of Wisconsin.

B. Board Member Selection: The membership of the Board shall be selected and appointed by the Oneida Business Committee. The number of nominations for the Board shall not exceed two (2) candidates for each of the five (5) Board positions. When the Board is first established, two members' terms shall be designated to expire in two (2) years, three members' terms shall be designated to expire in four (4) years. Thereafter, the term of office shall be five (5) years for each director.

1. Election of Officers: The Board of Directors shall elect all Corporate officers annually at a regular meeting of the Board. If an officer is not elected by the Board at such a meeting, such election shall be held as soon as possible thereafter as may be convenient. Each officer shall hold office until his/her successor has been duly elected and qualified, or until removed as hereinafter provided. The President will be elected for a three (3) year term.

C. Board Vacancies and Removals: Any vacancy occurring in the Board of Directors may be filled by the majority vote of the Oneida Business Committee. A Director selected to fill a vacancy shall be appointed for the unexpired term of his/her predecessor in office. One or more directors may be removed with or without cause by majority vote of the Oneida Business Committee. The Board of Directors may adopt By-Laws governing the removal of Corporation Officers for cause, by the Board of Directors.

D. Resignation: Any Director may resign his/her office at any time, such resignation to be made in writing and to take effect immediately without acceptance.

E. Board Structure & Qualifications: In order to provide the diversity and experience needed to efficiently manage the Corporation, the following structure and qualifications have been set forth:

1. Each member will have a Bachelor's degree with at least 2 years of work experience in his or her chosen field.
2. One member will be a Business Committee representative assigned as an Ad Hoc member with no voting rights.

All qualified applicants should possess a working knowledge of the Oneida Tribe of Indians of Wisconsin. Vacancies will be advertised in accordance with Tribal policy. The Board of Directors will review all applications and submit 2 recommendations to the Business Committee for approval for each appointment.

ARTICLE II. - OFFICERS

SECTION 1. Number - At its annual meeting, The Board of Directors shall appoint from the five members a Chairperson, Vice Chairperson and Secretary/Treasurer. Other officers, assistant officers and agents deemed necessary may be appointed by the Board of Directors.

ARTICLE II. – OFFICERS continued

SECTION 2. Duties of Officers - The duties and powers of the officers of the Corporation are those specified in these By-Laws and shall include any additional duties and powers as may be set by resolution of the Board of Directors.

A. CHAIRPERSON:

1. The Chairperson shall preside at all meetings of the Board and may also cast his/her vote on all questions.
2. The Chairperson shall sign and execute all contracts in the name of the Corporation, all deeds, mortgages, notes, drafts, or other orders for the payment of money, or other instruments which the Board of Directors have authorized to be executed, except in cases where the signing and execution of shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed.
3. The Chairperson shall cause all books, reports, statements and certificates to be properly kept and filed as required by law.
4. The Chairperson shall enforce these By-Laws and perform all duties as may be prescribed by the Board of Directors from time to time.

B. VICE CHAIRPERSON:

1. In the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson, and when so acting, shall have all the powers to be subject to all the responsibilities of the office of the Chairperson. The Vice Chairperson shall perform such other duties and have such other powers as from time to time may be assigned to him/her by the Board of Directors or Chairperson.

C. SECRETARY/TREASURER:

1. The Secretary/Treasurer shall keep the minutes of the meetings of the Board of Directors in an appropriate book set aside and used exclusively for such purpose.
2. The Secretary/Treasurer shall be responsible for giving notice of special meetings of the Board of Directors.
3. The Secretary/Treasurer shall be the custodian of the records and seal of the Corporation and shall affix the seal on corporate papers when required.
4. The Secretary/Treasurer shall attest the execution of instruments on behalf of the Corporation by a proper officer thereof, and shall affix the corporate seal to such instruments on behalf of the Corporation.

ARTICLE II. - OFFICERS continued

5. The Secretary/Treasurer shall attend all correspondence and present to the Board of Directors at its meetings all official communications received by the Secretary.

6. The Secretary/Treasurer shall perform all duties incident to the office of the Secretary/Treasurer and such other duties as from time to time may be assigned by the Chairperson or by the Board of Directors.

7. The Secretary/Treasurer shall take care and custody of and be responsible for all funds and securities of the Corporation, and shall deposit such funds and securities in the name of the Corporation in such banks, trust companies or other depositories as shall be designated by the Board of Directors.

8. Subject to banking resolutions adopted by the Board of Directors, the Secretary/Treasurer shall make, sign and endorse in the name of the Corporation all checks, drafts, notes and other orders for the payment of money, and pay out and dispose of such under the direction of the Chairperson or the Board of Directors.

9. The Secretary/Treasurer shall keep at the principle office of the Corporation accurate books of account of all its business transactions and shall at all reasonable hours exhibit books and accounts to any director upon application at the office of the Corporation during business hours.

10. A report shall be rendered by the Secretary/Treasurer of the condition of the finances of the corporation at each regular meeting of the Board of Directors and at such times as shall be required to the Secretary/Treasurer.

11. If required by the Board of Directors, the Secretary/Treasurer shall give such bond, as the Board shall determine appropriate for the faithful performance of the duties of the Secretary/Treasurer.

D. Other Officers: Other officers shall perform such duties and have such powers as may be assigned to them by the Board of Directors. Assistant secretaries and assistant treasurers, in general, shall perform such duties as shall be assigned to them by the Secretary/Treasurer, or by the Chairperson or Board of Directors.

1. Corporate President - The Corporate President shall be the principle executive officer of the Corporation and shall supervise and control all of the business activities of the Corporation.

2. The Corporate President shall present an annual report of the condition of the business of the Corporation to the Board of Directors.

3. The Corporate President shall appoint, discharge and fix the compensation of all employees and agents of the Corporation other than the duly appointed officers by the Board of Directors, subject to approval of the Board of Directors.

ARTICLE II. - OFFICERS continued

SECTION 3. Vacancies of Officers - All vacancies in any office shall be filled promptly by the Board of Directors, either at regular meetings or at a meeting specially called for that purpose.

SECTION 4. Removal - Any officer of the corporation may be removed by a majority of the Board, with cause, when in the judgment of the Board, it would be in the best interest of the corporation. Such removal shall be without prejudice to the contract rights, if any, of the person removed.

SECTION 5. Compensation of Officers - The officers shall receive such salary or compensation as may be fixed by the Board of Directors. No officers shall be prevented from receiving compensation by reason of the fact that he/she is also a director of the Corporation.

SECTION 6. Indemnification - The Corporation shall indemnify any director, officer or former director or officer of the Corporation, against expenses actually and reasonably incurred by him/her in the connection with the defense of any action, suit or proceeding, civil or criminal, in which he/she is made a party by reason of being or having been such a director or officer, except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty to the Corporation.

ARTICLE III. - MEETINGS

SECTION 1. Regular Meeting - One regular meeting shall be held within thirty (30) days after the Board is duly elected, and thereafter the Board shall meet not less than quarterly. Meetings shall be held at the Radisson Hotel or other designated conference area as deemed suitable by the Board of Directors.

A. Meeting Notices: A written notice of regular meetings will be sent to each member of the Board of Directors delivered personally or mailed to each Director at his/her address for such notice no later than seven (7) days prior to scheduled meeting.

B. Agenda & Meeting Documents: The meeting agenda, minutes and other documents needed for the business to be conducted at the scheduled meeting will be dispersed to the Board of Directors delivered personally or mailed to each Director at his/her address for such notice no later than seven (7) days prior to the scheduled meeting.

SECTION 2. Emergency Meetings - Emergency meetings of the board may be called at the request of the Board of Directors, the President of the Corporation or by any two (2) Directors.

A. Notice of Emergency Meeting: Notice of any emergency meeting shall be given at least three (3) days prior thereto by written notice, delivered personally or mailed to each Director at his/her address for such notice. Any Director may waive his/her right to notice of any meetings. The business to be transacted at any regular or emergency meeting of the Board of Directors shall be specified in the notice, or waiver of notice, of such meeting.

ARTICLE III. – MEETINGS continued

SECTION 3. Quorum - Three (3) Directors shall constitute a quorum for the transaction of business in any regular or emergency meeting. The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board. If less than a majority of the Directors are present at any meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

SECTION 4. Order of Business - The agenda of any regular or emergency meeting of the Board of Directors shall adhere to the Robert's Rules of Order as the commonly accepted procedures for conducting a meeting of the Board of Directors.

SECTION 5. Voting - The business to be transacted at any regular or emergency meeting of the Board of Directors shall be put in the form of a motion by a Director, duly seconded by another Director and voted on by all Directors. If the vote is a majority of the Directors present, and a quorum of Directors are present, the motion will pass. If the vote is less than a majority of the Directors present, the motion will fail.

ARTICLE IV - REPORTING

SECTION 1. Agenda - Agenda items will be in a consistent format as established by the Board of Directors.

SECTION 2. Minutes - Minutes will be typed and in a consistent format designed to generate the most informative record of the regular or emergency meetings of the Board of Directors.

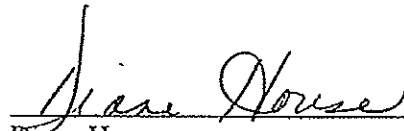
SECTION 3. Meeting Documents - Handouts, reports, memoranda and the like may be attached to the minutes or may be kept separately, provided that all materials can be identified to the meeting in which they were presented.

SECTION 4. Reports to the Oneida Business Committee - The Corporation shall file monthly reports with the Oneida Business Committee which shall describe (1) the business done and intended to be done by the Corporation; (2) material changes and developments since the last report in the business described, including a description of competitive conditions, research and development activities; (3) any material pending legal proceeding to which the Corporation is a party; and (4) unaudited financial statements which clearly represent the operational performance of the Corporation. The Corporation shall prepare not less than forty five (45) days prior to the semi-annual meeting of the Oneida General Tribal Council, a summary of the information contained in the report prepared pursuant to the preceding paragraph, showing its assets and liabilities and the results of its operations.

ARTICLE V. - AMENDMENTS

SECTION 1. Amendments to By-Laws - These By-Laws may be altered, amended or repealed or new By-Laws adopted by a majority of the entire Board of Directors at a regular or emergency meeting of the Board of Directors, subject to being approved by the Oneida Business Committee.

I certify that the foregoing By-Laws of the Oneida Airport Hotel Corporation consisting of seven (7) pages, this page included, are the By-Laws of this Corporation, adopted by the Board of Directors thereof at a meeting on the 25th day of MARCH, 2003.

A handwritten signature in cursive script, appearing to read "Diane House", is written over a horizontal line.

Diane House
Secretary/Treasurer
Oneida Airport Hotel Corporation

From: [Lisa A. Liggins](#)
To: [BC Agenda Requests](#)
Subject: Note for OAHC bylaws amendment request
Date: Friday, March 5, 2021 1:48:25 PM

Please add for the meeting packet as FYI

There has been inconsistency in the approvals for amendments to OAHC's bylaws.

- 1999, 2003 & 2004 – amendments were approved by the OBC via resolution
- 2007 & 2012 – amendments were approved by the OBC via motion; no resolution

Oneida Business Committee Agenda Request

Review the Oneida Gaming Commission Chapter 5 Oneida Gaming Minimum Internal Controls and...

1. Meeting Date Requested: 03 / 02 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delay and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards. The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class II MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

ACTION REQUESTED: ACCEPT THE OGMICs CHAPTER 3 - Controlled Keys WITH NO REQUESTED REVISIONS.

PLEASE NOTE (OBC ACTION OPTIONS) Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for OGMICR Revisions, the motion for this request would be as follows: "Accept the notice of the OGMICs Chapter 3-Controlled Keys approved by the Oneida Gaming Commission on February 26, 2021 and...

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the OGMICs Chapter 3 - Controlled Keys in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the OGMICs Chapter 3 - Controlled Keys in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

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

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

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

Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is *to draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.*

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

OGMICs Revision Project

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

OGMICs Revision Process

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for Chapter 3 Controlled Keys.

Ivory S. Kelly

From: Melissa M. Alvarado
Sent: Friday, February 26, 2021 8:22 AM
To: GamingCommission_Compliance
Cc: Michelle M. Braaten; Melissa M. Alvarado
Subject: NOTIFICATION: OGMICS Chapter 16 Controlled Keys
Attachments: E-Routed OGMICS Chapter 16 Controlled Keys 2.pdf

DATE: 02/26/21
FROM: Mark Powless Sr.
SUBJECT: OGMICS Chapter 3 Controlled Keys

Good Morning,

The Gaming Commission has reviewed the following item(s) and is approved. This will be placed on the next Regular OGC Meeting agenda for retro approval.

1. OGMICS Chapter 16 Controlled Keys

If you have any further questions please feel free to contact the OGC Chair Mark Powless Sr. via email mpowles5@oneidanation.org or at 497-5850.

Thank you.

Melissa Alvarado

Administrative Assistant
Oneida Gaming Commission
920-497-5850
Toll Free: 1-800-497-5897
malvarad@oneidanation.org



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

Chapter: 3

Controlled Keys

Table of Contents

- (a) Supervision**
- (b) Custody of Keys**
- (c) Controlled Keys**
- (d) All Relevant Controls from Chapter 11, Information and Technology will apply.**
- (e) Variance**

All employees and associates are required to adhere to the controls in this section, all other sections, and regulatory documents.

Regulatory Credentials Legend:
NIGC MICS: Black Font

(a) Supervision

- (1) Supervision shall be provided over controlled keys as needed by an employee(s) with authority equal to or greater than those being supervised.

(b) Custody of Keys

- (1) Custody of all keys involved in the drop and count shall be maintained by a department independent of the count and the drop employee as well as those departments being dropped and counted.

(c) Controlled Keys

- (1) Controls shall be established, and procedures implemented by Gaming Management as approved by the OGC to safeguard the use, access, and security of keys in accordance with the following:
 - (i) Each of the following requires a separate and unique key lock or alternative secure access method:
 - (A) Drop cabinet;
 - (B) Drop box release;
 - (C) Drop box content;
 - (D) Bill acceptor canister release;
 - (E) Bill acceptor canister content;
 - (F) Count room keys;
 - (G) Storage racks and carts used for drop;
 - (H) Kiosk release; and
 - (I) Kiosk contents.
- (2) Access to return of keys or equivalents shall be documented with the date, time, and signature or other unique identifier of the employee accessing or returning the key (s).
 - (i) At least three (3) drop team employees are required to be present to access and return key(s).
 - (ii) At least three (two for card game drop box keys in operations with three tables or fewer) count team employees are required to be present at the time count room and other count keys are issued for the count.
- (3) Documentation of all keys, including duplicates, shall be maintained, including:
 - (i) Unique identifier for each individual key;
 - (ii) Key storage location;
 - (iii) Number of keys made, duplicated, and destroyed; and
 - (iv) Authorization and access;
- (4) Other than the count team, no employee may have access to the drop box/storage component content keys while in possession of the storage rack keys and/ or release keys.
- (5) Other than the count team, only employees authorized to remove drop box/storage component are allowed access to drop box/storage component release keys.
- (6) Any use of keys at times other than the scheduled drop and count shall be properly authorized and documented.

- (7) Emergency manual keys, such as an override key, for computerized, electronic, and alternative key systems shall be maintained in accordance with the following:
 - (i) Access to emergency manual key (s) used to access the box containing the player interface drop and count keys requires the physical involvement of at least three (3) employees from separate departments, including management. The date, time, and the reason for access, shall be documented with the signatures of all participating persons signing out/in the emergency manual key (s).
 - (ii) The custody of the emergency manual keys requires the presence of two (2) employees from separate departments the time of their issuance until the time of their return; and
 - (iii) Routine physical maintenance that requires access to the emergency manual keys(s) and does not involve accessing the player interface drop and count keys, only requires the presence of two (2) employees from separate departments. The date, time, and the reasons access shall be documented with signatures of all participating employees signing out/in the emergency manual key (s).

(d) All Relevant Controls from Chapter 11, Information and Technology will apply.

(e) Variance

- (1) The operation shall establish, as approved by the OGC, the threshold level at which a variance shall be reviewed to determine the cause. Any such review shall be documented.

**Oneida Gaming Minimum Internal Control Standards/Rules of Play****<Chapter 3 Controlled Keys> Gaming Management Review**

Per ONGO 21.6-14. (d), the OGC is to draft and approve the OGMICS, subject to review and adoption by the OBC, provided that Gaming Operations has the opportunity to review and comment prior to OGC approval. Gaming Operations comments are to be included in submissions to the OBC.

GAMING OPERATIONS MANAGEMENT**Reviewed and Input Provided By:**

Name and Title	Signature	Date
Assistant Gaming Manager-Support	Lorna Skenandore <small>Digitally signed by Lorna Skenandore Date: 2021.02.05 14:17:54 -06'00'</small>	
Facilities Director	Timothy Skenandore <small>Digitally signed by Timothy Skenandore Date: 2021.02.05 13:12:16 -06'00'</small>	
Gaming Compliance Manager	Derrick King # 11229 <small>Digitally signed by Derrick R. King Date: 2021.02.08 11:36:13 -06'00'</small>	



Oneida Gaming Minimum Internal Control Standards/Rules of Play

Chapter 3-Controlled Keys: Gaming Management Review

Record regulatory reference, concern, and suggestion to the OGMICS/ROP document:

Concern/Question	Management Suggestion
<p>(a) Controlled Keys</p> <p>(1) Controls shall be established, and procedures implemented by Gaming Management as approved by the OGC to safeguard the use, access, and security of keys in accordance with the following:</p>	<p>To have a language consistent through the all documents such as procedure implemented by Gaming Managements as approved by the OGC.</p>
<p><u>OGC Response</u></p> <p>The OGC agrees. The language has been updated to be consistent with all other documents.</p>	
<p>(c)(1)(i) Each of the following requires a separate and unique key lock or alternative secure access method:</p> <ul style="list-style-type: none"> (A) Drop cabinet; (B) Drop box release; (C) Drop box content; (D) Bill acceptor canister release; (E) Bill acceptor canister content; (F) Count room keys; (G) Storage racks and carts used for drop; (H) Kiosk release; and (I) Kiosk contents. 	<p>The points (H) (I) which pertained to Kiosk release and Kiosk content keys is covered in (c) (9)</p>
<p><u>OGC Response</u></p> <p>The OGC agrees. (c)(9) will be removed.</p>	
<p>(c)(1) (i) (A) Bill canister content.</p>	<p>Please add acceptor for consistency.</p>

<u>OGC Response</u>	
The OGC agrees. "acceptor" has been added.	
(c) (4) Custody of all keys involved in the drop and count must be maintained by a department independent of the count and the drop agents as well as those departments being dropped and counted.	
<u>OGC Response:</u>	
(c)(4) Has been removed this regulation is a duplication of (b)(1)	
(c) (5) Other than the count team, no employee may have access to the drop box/storage component content keys while in possession of the storage rack keys and/ or release keys.	Does this mean the Count Team and the Drop Team can do either other duties? Essentially there is no "Drop Team" anymore?
<u>OGC Response</u>	
Yes, this is what it means. Please keep in mind that Drop Team and Count Team are both still identified in the OGMICR and throughout several SOPs. If the "Drop Team" is considered obsolete this needs to be clarified with those SOPs as this project nears completion.	
(c) (6) Other than the count team, only employees authorized to remove drop box/storage component are allowed access to drop box/storage component release keys.	Does this mean the Count Team and the Drop Team can do either other duties? Essentially there is no "Drop Team" anymore?
<u>OGC Response</u>	

Please see response to previous comment.

(c) (9) Controls shall be established, and procedures implemented to safeguard the use, access and security of keys for kiosks.

It is not covered in MICG, however the control over the Kiosks covered in the chapter 10 (d) MICG

Not all the regulations will be within the MICG. Some of the regulations come from 543, the OGMICR and/or other sources the Commission may identify.

OGC Response

This regulation will remain. The Operation is currently in compliance with this regulation (543.17 (j)). While Kiosks are covered in Chapter 10, Chapter 16 is specific to the Control of all keys that may be sensitive and allows access to various contents of Gaming Machines, Table Games and Kiosks.

After further review this OGC has agreed to remove this regulation as it could be considered a duplication of (c)(1)(i)(H-I)

(e) Variance

(1) The operation shall establish, as approved by the OGC, the threshold level at which a variance shall be reviewed to determine the cause. Any such review shall be documented.

Per Accounting Manager, I am not sure what constitutes a "variance" in terms of Controlled Keys. I am respectfully requesting an explanation of what OGC-C means by this requirement.

This section is not in the MICG as written
This requirement should not apply to Controlled Keys.

OGC Response

This regulation will remain. The Operation is in compliance with this regulation, under the Drop Count Audit for Class II (543.17 (k)). Within various Gaming Wide SOPs there are procedures identified on what happens if a key is missing or needs to be replaced, or for duplicate keys. All of these items could essentially be a key variance. While threshold may seem broad the Operation has been successful in being compliant with the regulation as written.

Oneida Business Committee Agenda Request

Review the Oneida Gaming Commission Chapter 3 Oneida Gaming Minimum Internal Controls and...

1. Meeting Date Requested: 03 / 02 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delay and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards. The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class II MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

ACTION REQUESTED: ACCEPT THE OGMICs CHAPTER 3 - Controlled Keys WITH NO REQUESTED REVISIONS.

PLEASE NOTE (OBC ACTION OPTIONS) Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for OGMICR Revisions, the motion for this request would be as follows: "Accept the notice of the OGMICs Chapter 3-Controlled Keys approved by the Oneida Gaming Commission on February 26, 2021 and...

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the OGMICs Chapter 3 - Controlled Keys in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the OGMICs Chapter 3 - Controlled Keys in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

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

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

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

Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is to draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

OGMICs Revision Project

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

OGMICs Revision Process

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
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The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for Chapter 3 Controlled Keys.

Ivory S. Kelly

From: Melissa M. Alvarado
Sent: Friday, February 26, 2021 8:22 AM
To: GamingCommission_Compliance
Cc: Michelle M. Braaten; Melissa M. Alvarado
Subject: NOTIFICATION: OGMICS Chapter 16 Controlled Keys
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Administrative Assistant
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Chapter: 3

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Name and Title	Signature	Date
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Facilities Director	Timothy Skenandore <small>Digitally signed by Timothy Skenandore Date: 2021.02.05 13:12:16 -06'00'</small>	
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Oneida Gaming Minimum Internal Control Standards/Rules of Play

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Oneida Business Committee Agenda Request

Accept the Bay Bank FY-2021 1st quarter report

1. Meeting Date Requested: 3 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☒ Accept as Information only☐ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:

Oneida Business Committee Agenda Request**6. Cover Memo:**

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

Bay Bank is presenting its quarterly corporate report to the BC in Open Session. Management of Bay Bank will provide a summary of the Bank's financial results for the year ended 12/31/20.

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

Bay Bank
QUARTERLY REPORT

Quarter ended December 31, 2020

A. **BAY BANK**

Submitted by: Jeff Bowman, Board Member
Directors: Fern Orie, Bob Jossie, Jeff Bowman,
Todd Van Den Heuvel, Elaine Skenandore-Cornelius

Oneida Business Committee Contact: Marie Summers

B. **MINUTES**

None Submitted

ACTION TAKEN

No Tribal Policy changes.

D. **FINANCIAL**

Note that various financial reports

December 31, 2020 is Bay Bank’s fiscal year end.

E. **SPECIAL EVENTS AND TRAVEL**

None

F. **PERSONAL COMMENTS**

Bay Bank account numbers as of December 31, 2020:

- 1,432 Checking Accounts
- 459 Business Checking Accounts
- 135 Money Market Accounts

1,629	Savings Accounts
312	Certificates of Deposit
111	Commercial Real Estate Loans
1,061	Residential Real Estate Loans
278	Business Loans
518	Consumer Loans
33	Oneida Small Business 2000 Loan Program Loans

The Oneida Small Business Loan Program 2000 that is administered by Bay Bank started on May 1, 2002. As of this date over \$ 14.4 million in new loans have been made to over 140 new or growing Oneida tribal member owned businesses.

The Section 184 mortgage loans serviced under FHLB MPF program totaled \$84.4 million at December 31, 2020. There are 700 loans in the program currently.

G. GOALS AND OBJECTIVES

2020 GOALS:

GOAL A: Bay Bank will strive to attain a minimum 0.50% Return on Assets for the year ending December 31, 2020. Return on Assets (ROA) is a common measurement of a bank's profitability. This ratio informs you how well the bank is managing and investing the bank's assets.

2020 ROA Goal	2020 YTD ROA Actual	2020 Peer Group Average
0.50 %	1.27%	1.09%

GOAL B: Bay Bank will strive to attain a minimum 6.00 % Return on Equity for the year ending December 31, 2020. Return on Equity (ROE) is the measurement of how well the bank is performing for its stockholder.

2020 ROE Goal	2020 YTD ROE Actual	2020 Peer Group Average
6.00 %	9.56 %	9.53 %

Bay Bank had budgeted total loans for the quarter ended December 31, 2020 in the amount of \$ 67.7 million. Total loans at December 31, 2020 were \$ 76.2 million, an increase of \$ 8.5 million from budget. Loans increased \$ 10.7 million over the 12-month period ended December 31, 2020.

Bay Bank had budgeted total deposits for the quarter ended December 31, 2020 in the amount of \$ 91.2 million. Total deposits at December 31, 2020 were \$ 92.4 million, an increase of \$1.2 million over budget. Deposits increased \$ 4.4 million for the past twelve months, the result of increase in transaction accounts, savings deposits and time deposits.

H. MEETINGS

Monthly meeting on the fourth Thursday of each month. Well attended.

Oneida Business Committee Agenda Request

Accept the Oneida ESC Group, LLC FY-2021 1st quarter report

1. Meeting Date Requested: 3 / 10 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☒ Accept as Information only☐ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



Oneida ESC Group, LLC

1st Quarter Report – FY 2021

February 10, 2021

OESC Board of Managers:

John L. Breuninger, Chairman

Jacquelyn Zalim

Leslie Wheelock

Oneida ESC Group, LLC (OESC), was formed in 2012 as a holding company to house subsidiaries to do business with the federal government. OESC has six subsidiaries, Oneida Total Integrated Enterprises (OTIE), Mission Support Services (MS2) and General Mechanical Corp (GMC), Sustainment and Restoration Services (SRS), Oneida Engineering Solutions (OES) and 1822 Land and Development Company of Oneida (1822).

OESC's subsidiaries are supported by OESC with general management and administrative functions, including accounting and contracting management, human resource management, IT support, overall management, and marketing, bid and proposal. Below is a summary of OESC and its subsidiary's activities.

Narrative Report

a. Explanation of the core of the Corporation's business practices and market overview

OESC's subsidiary limited liability companies focus on contracts issued by the government agencies for engineering, science and construction work. OESC's revenue is derived from the subsidiaries that operate in the full and open market as well as the Small Business Administration Business Development Markets primarily as 8(a) and Small Business designated companies.

OESC and its subsidiaries are a highly technical organization providing research /investigation, design, engineering and project management. Oneida ESC Group operates in five core services:

- Environmental services – Assessment, investigation, design, testing and monitoring
- Remediation – Action Planning, project management, extraction of contaminated materials.
- Construction and demolition – Repair, service, abatement, renovation and new.
- Engineering Services – Design and project managements for sites and site design, structural, mechanical, plumbing, civil, structural, water / wastewater systems and storm water management.
- Munitions response services – Investigation and remediation of munitions and ordinances.

Oneida Total Integrated Enterprises (OTIE) – Competes in the full and open marketplace as a small business (less than 750 employees). Core competencies include environmental services, environmental remediation, engineering services and project management.

Mission Support Services (MS2) – 8a Graduation date is 3/15/2023. MS2 is focused on construction management contracts. Core competencies include construction management services, New and renovated structures, HVAC systems and controls Utility systems - water, sewer, gas, electrical, Electrical power generators, transformers, and distribution, Communication and security systems, Interior remodeling, upgrades focused on the federal market with supplemental markets includes commercial and tribal construction projects.

General Mechanical Corporation (GMC) is subsidiary company to MS2 and operates mainly as an HVAC Contractor and General Contractor in Daytona FL.

Sustainment & Restoration Services (SRS) – 8a Graduation date is 2/18/2024.

SRS core competencies include facility investigations, corrective measures design/implementation, remedial designs/remedial actions, including characterization, assessment, and cleanup, Wetlands assessment and wetlands restoration design, Brownfields – Phase I & II ESAs, Technical Enforcement Support Facility and asset inventory, evaluation, and assessment Engineering design for site development, utility systems, facilities Engineering design for wastewater treatment and sewerage systems, and specialized professional services manpower solutions.

Oneida Engineering Solutions (OES) – OES focuses on performing transportation engineering services for governmental agencies (Federal, State and Local). Work is federally funded and abides by the Brooks Act; requiring selection based on competency, qualifications and experience. OES has been certified as a Disadvantage Business Enterprise in the State of Wisconsin.

1822 Land and Development Company of Oneida (1822) – 1822 is a real estate holding company that owns, leases and sub-lease various real estate holdings in and around the Oneida Nation Reservation. The overall goal is to grow the portfolio that meets the needs of the Oneida Nation and the Northeastern WI.

b. Explanation of the Corporation's current place within the market

OESC operates in a fiercely competitive and expanding market. An abundance of Architecture / Engineering / Construction (AEC) firms provide similar services offered by OESC. Competitive factors for our success include performance reputation, network, price, geographic location, and availability of technically skilled personnel (flexibility).

Three of the top five federal spending agencies awarding non-competitive contracts are OESC customers.

c. Explanation of the outlines of strategies by the Corporation for improved value in the market

OESC's subsidiaries are positioned to take advantage of existing relationships, contracts and networks OTIE established since 2008.

We continuously evaluate solutions to broaden and capture a larger share of the Federal and State markets. Each subsidiary operates based on primary NAICS codes with secondary NAIC codes that overlap with the sister companies.

d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market

Our competitors include: Small Businesses, Alaskan Native Corporations (ANCs); Native American Owned, tribally-owned small businesses; and Native Hawaiian Organizations (NHOs). Each of these businesses is in a category of small business that may be awarded

prime contracts without competition. Oneida ESC subsidiaries also compete against other 8(a) firms for set-aside acquisitions, including small businesses that are categorized as Woman-Owned, HUB Zone, Service Disabled Veteran Owned small business, and others. Finally, Oneida ESC competes in the full and open markets without restrictions.

Typical competitors include Small Business firms with fewer than 750 employees in NAICS 562910. Another area of significant competition is the regional Transportation Engineering firms in Wisconsin for WI DOT work (OES).

e. Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period.

We are tracking more than 20 major proposals that are due to be published in the coming months. This is in addition to a lot of smaller opportunities that require some time from the Marketing Services group. Its typical a portion will not be published according to the governments schedule, but in case they are published we will have to prioritize our proposal schedule, go outside the organization for additional proposal writers or pass on the opportunity.

HR 6395 provided an additional year for current 8a participants. Mission Support Services (MS2) and Sustainment and Restoration Services (SRS) have an additional year of eligibility added to the program. MS2 will graduate in March of 2023 (original graduation year of 2022) and SRS will graduate February 2024 (original graduation year of 2023).

f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same

Goals for Oneida ESC Group

Growth at a reasonable rate is the primary business goal for OESC. Financial reward for OESC is when we align our investment strategies according to our client's mission priorities.

Targets for OESC Subsidiaries:

Opportunities continue to exist in geographies where OTIE, MS2, SRS and OES have successful past performance; and where personnel involved in such projects have established strong relationships with teaming partners and clients. Opportunities continue to emerge based on combined efforts of OESC's marketing and sales efforts. Target clients continue to include Department of Defense agencies (various bases – Navy, Air Force, and Army), Environmental Protection Agency, WI Department of Transportation, Milwaukee Metropolitan Sewer District and the Oneida Nation.

New target clients include extended services on existing bases, geographical growth on "new" bases where OESC has not performed work on in the past, municipalities geographically related to OESC offices and other Tribal Nations.

g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies

Key elements for success in the OESC model include:

- Meeting performance indicators, including safety, staff turnover, profitability, staff utilization, backlog and capacity.
- Adapting to a changing customer base, contract type, or key skill set. We recognize and reconfigure based on identified needs to delivery strategic growth.
- Identification of contract capacity and access is under regular review.
- Increasing our geographic footprint and capabilities.

Risk in the marketplace

- We operate in highly competitive industries
- Contracting is often erratic and unpredictable; cancellations or delays in pending awards by government agencies could adversely affect us
- International operations carries additional risk
- Loss of key personnel
- Adoption of new contract laws or regulations.

h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks

Our medium and long range prospects for sustainability are balanced by business diversification and consistent project management delivery.

We have successfully groomed long-term business relationships with key US Agencies for services delivered around the world. Contracting with the US government remains a reliable strategy in terms of payment, stability, and growth opportunity.

Medium-term prospects

OESC's prospects in the two- to five-year term rely on our sturdy performance in engineering, science and construction to existing clients; adjacent clients/services and geographic areas; and new service offerings to new clients. OESC continues to focus on business development and talent acquisition to meet our growth metrics.

Long-term prospects

OESC envisions steady growth with our key customers over the long term. OESC is nimble and agile, allowing us to focus on governments funding flows.

Continued reliance on low-price awards is a staple in our business model and we continue to adjust the pricing structure to ensure that we remain competitive. We continue to concentrate marketing efforts on maximizing our return on investment through expanding support for existing customers, developing tasks under existing contracts, and collaborating with firms that need either small business participation or our specialized expertise.

- i. **Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)**

We have made a concerted effort on our fence-to-fence contracts which is environmental operations and compliance services. We also see growth in our traditional engineering services such as civil, mechanical, electrical, etc.

- j. **Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.**

OESC ASSETS
<u>Financial (On Balance Sheet)</u> Cash –Checking Account Work In Process on Current Projects Fixed Assets such as Vehicles, Furniture and Fixtures, and Miscellaneous Equipment Other Assets such as Prepaid Expenses, Investment
<u>Employees</u> OESC - 43 employees (includes 1822 employees) OTIE – 143 employees MS2 – 74 employees (includes GMC employees) SRS - 111 employees OES – 31 employees
<u>Customers</u> 75% of Revenue from Federal clients.

- k. **Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.**

USACE Huntington District has directed OTIE to perform additional excavation work that OTIE considers to be out of scope on one of OTIE’s remediation projects at the Plum Brook Ordnance Works site in Ohio. OTIE is working with counsel to prepare a claim that is expected to be filed in January. The price of the claim is approximately \$900K, however, the total damages amount has not yet been calculated. The government is also directing OTIE to perform additional road and site restoration, which may become the subject of a second claim.

Oneida Business Committee Agenda Request

2. General Information:

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Reports

Motion to accept the FY21 1st Quarter Report.

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Name, Title / Dept.

Oneida Airport Hotel Corporation
Radisson Hotel & Conference Center
Quarterly Report
For the quarter ended: December 31, 2020

Narrative SectionBusiness practice, market overview, place within market:

- Q1 STR Occupancy YOY index down 3.2%; ADR YOY down 15.4%; RevPar YOY index down 18.1% - compared to comp set.
- No fans at Packers home games and cancellation of group business as well as increase of Covid cases affected YOY numbers. Hotel tried to maintain somewhat rate integrity to gain occupancy in transient and group.
- Sales team reduced to Director Sales, Sales Manager, Corporate Revenue Manager, Catering Manager and Catering Coordinator.
- Average Occupancy for Q1 was 32%.

Competitive analysis:

- Green Bay area hotels currently fighting for same pieces of transient business and putting offers and deals/packages out to gain occupancy.
- Corporate guests just starting to travel a little, not as much as prior due to state restrictions/travel restrictions etc.

Strategies for improved value:

- Developed packaging & incentive bookings for Corporate/Association Meetings, Tour & Travel, Wedding, Travel Agents and Transient markets to gain short term bookings for need months.
- Working with Radisson Corporate in all Sales markets to gain leverage and recognition, as well as utilizing their Meeting Planner incentive programs and transient booking promotions.
- Working with Aimbridge Regional properties to gain leverage and recognition.
- Working closely with Green Bay CVB in all Sales markets to keep top of mind and participate in all sales initiatives.
- Ensuring all Safety Protocols being enforced in meeting and catering groups booked.

Material changes or developments in market/business:

- Radisson Appleton now a Red Lion– in our STR comp set.
- Holiday Inn Appleton now a DoubleTree by Marriott – in our STR comp set.
- Brown County Arena and Shopko Hall under complete renovation, open January 2021.

Market growth:

- Legacy Hotel due to break ground 2021 – 79 room property.
- My Place – completed, opened November 2021 – 64 room property.
- TBD property rumored to be built near SpringHill Suites - TBD

Pending legal action:

- Yes

Oneida Airport Hotel Corporation
Three Clans Airport, LLC
Quarterly Report
For the quarter ended: December 31, 2020

Business practice, market overview, place within market:

- Ranking for the first quarter from the STR Report the Wingate is 5 out of 7 based on REVPAR and 6 out 7 based on Occupancy.
- The Wingate averaged a 33.8% occupancy for the first quarter.
- No fans at Packers home games, increased Covid-19 cases and group cancelations.
- No corporate travel due to travel and state restrictions.

Competitive analysis:

- The competitors ran a REVPAR of \$24.76 for the quarter.
- The competitive set had an occupancy of 36.5% for the quarter.
- Green Bay area hotels are fighting for the same piece of business.

Strategies for improved value:

- The Wingate continues to use all 3rd party booking channels to increase bookings on for all dates.
- Wyndham is running mobile deals, flash sales and member deals to help increase occupancy.
- The Wingate is also focusing on growing its small meeting business offering new meeting room packages to entice guests to book their meetings at the Wingate.
- The Wingate Sales Team continues to reach out to existing and new companies.
- We continue to focus our attention on customer service to ensure the best possible service for all our guest.
- The Wingate by Wyndham Green Bay received the 2020 Certificate of Excellence for Trip Advisor and maintained our AAA Three Diamond status.

Material changes or developments in market/business:

- Shopko Hall and Brown County Arena are under renovation and plan to reopen January 2021.

Market growth:

- My Place- new 64 room hotel opened November 2020.

- TBD – new hotel to be built in the stadium area.

Pending legal action:

- Nothing at the moment

Oneida Business Committee Agenda Request

Accept the Oneida Golf Enterprise FY-2021 1st quarter report

1. Meeting Date Requested: 3 / 10 / 21 **2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

☒ Accept as Information only☐ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Additional Requestor:

Additional Requestor:



Oneida Golf Enterprise Corporation

Fiscal year-To-Date Reporting for period Ending:

December 2020

The Oneida Golf Enterprise Corporation (OGEC) is a corporation of the Oneida Nation established to oversee and manage the business known as Thornberry Creek at Oneida.

Narrative Report

Business Overview

1st Quarter FY20 – October, November & December

Overall, the 1st quarter saw many successes even as we continue to battle COVID-19 restrictions for indoor dining and events. Due to strong golf numbers into December and the marketing of Annual Passes and Fringe Benefit Cards, Net Operating Income (NOI) exceeded budget by \$213,507. \$48,800 of the excess revenue can be attributed to \$28,800 received in CARES Act Funding from the Oneida Nation and a \$20,000 grant from the Wisconsin Department of Revenue for restaurant operators. November's Annual Pass promotion drove higher than budgeted revenues as they exceeded budget by over \$56K. Staffing levels have been evaluated and many positions have been laid off, furloughed or reduced in hours to streamline operations and increase cash flow through the winter months.

- Warm temperatures in November and December extended the golf season longer than expected.
- Overall revenues exceeded budget by 49.5% or \$167,346 and exceeded PY by \$100,398
- Payroll expenses operated at a 1.3% savings (\$3,979) vs budget and 7.7% vs LY. Considering there was not a GM on payroll during Q1 last year, this is a significant savings.
- Operating expenses saved 22% or \$41,578 compared to budget and \$31,277 compared to PY.
- **Q1 Net Operating Income is at a savings of \$213,507 vs budget and \$180,748 better than PY.**

Personnel Update:

- General and Administrative
 - Holly Williams – General Manager
 - Kathleen Kaminski – Controller
 - Tricia Millis – Accounting Assistant (laid off October 31st, position will be eliminated and rehired seasonally as an HR/Accounting/Executive Assistant)

- Course & Grounds
 - Steve Archibald – Golf Course Superintendent (furlough for the month of January)
 - Pete Nowak – Assistant Golf Course Superintendent
 - Ed Brusky – Golf Course Fleet Mechanic
- Golf
 - Justin Nishimoto – Head Golf Professional
 - Andrew Gutzman – Assistant Golf Professional (terminated for cause in November, position will be rehired as seasonal only)
- Food and Beverage
 - Adam Marty – Executive Chef and Food & Beverage Director
 - Sous Chef – Vacant (to be hired in March/April)
 - Brittni Hemauer – Food & Beverage Manager
 - Wes Suzawith – Food & Beverage Manager (laid off 10/31, position will not be rehired)
 - Joy Lundberg – Event & Catering Manager
 - Server, bartender and kitchen staff have been streamlined with many staff furloughed or laid off. Minimal staffing will be maintained in the restaurant November – March.
- Clubhouse Maintenance
 - Mike Gottfried – Clubhouse Supervisor (reduced to part-time hours November 1st through March/April or as determined necessary)
 - Cleaning contract has been eliminated and full-time staff are cleaning the clubhouse. The cleaning services will be re-evaluated for the golf season.
- Sales and Marketing
 - Director, Sales & Marketing – Chelsea Kocken (maternity leave during month of December)
 - Manager, Marketing & Events – Tawny Casey

Key Performance Highlights Q1:

- Overall golf rounds were up 3,358 rounds compared to LY with total paid rounds up 2,528.
- Rounds on the Iroquois Course were up over 1,384 rounds compared to LY. Junior rounds were up over 400.
- Green Fee and Cart Fee together surpassed budget by over \$76K and the Range exceeded budget by over \$4K.
- Annual Pass and Fringe Benefit Cards brought in \$129,028 during the months of November and December, which is \$47K above budget. Only \$50,242 is needed to meet the Annual Budget for Annual Passes. Due to the large amount of sales in November and December, it is expected that sales for Annual Passes and Fringe Benefit Cards will be down dramatically January – March.
- (39) External events have been booked for the 2021 Fiscal Year including Weddings, Social and Corporate
- Gift Card Sales were strong November – December due to a gift card promotion of buy \$25, get a \$5 gift card. Over \$24K was sold in gift cards during the holiday season compared to \$14.8K last year.
- The Thornberry Creek at Oneida Annual Holiday Drive was held in December this year compared to November in previous years and supported the Oneida Nation Governmental Services Division with personal care item donations. In previous years this drive has supported the City of Green Bay Housing Services and staff felt it was important this year to support local Oneida Nation families in need. We

collected over 250 personal care items from sales in the golf shop plus an additional car-load of items from Rock Ledge Intermediate School in the Seymour Community School District.

Key Performance Issues Q1:

- Although Food and Beverage revenues hit budget in November for the first time since October 2019, quarterly revenues and EBITDA continue to fall behind budget due to decreased dining in the restaurant and the reduction of events due to COVID-19.
- Over \$45K of revenue was lost in F&B due to the cancelation of weddings and holiday parties in Q1.
- Several Creative Internal Events were canceled in Q1 due to COVID-19 including: October Beer Garden, Mixology Workshop, Old World vs. New World Wine Tasting, Packer Tailgate Events and Santa's Workshop.

Key Marketing Actions to Drive Performance Q1:

- The new Sip & Shop Event that was added over the opening weekend of deer hunting promoted the kick off Annual Pass & Fringe Benefit Cards for the 2021 season. Fringe Benefit Cards have never been sold this early in the season and had robust sales through December. The event also featured a Golf Shop Clearance, Wine Tasting Event with Stock the Cellar for the Holidays pricing and our new Beer Growlers along with an Overstock Shop of overstock and unused items in the Clubhouse. This event brought in \$5,864 in overstock sales, \$1,500 in wine sales, \$6,700 in merchandise sales and \$79,819 in Annual Pass/Fringe Benefit Card sales.
- As many creative events were canceled during Q1, two new golf events were introduced to Thornberry Creek at Oneida with great success. The family-friendly Halloween Scramble took place on the Iroquois Course on October 31st and the Ice Cube Open took place on November 7th with a high temperature of 71 degrees!
- A new holiday gift card promotion was launched to promote gift giving in November and December. (522) total cards were sold for \$24,493, which was 388 cards or \$9,701 higher than last year. Gift Card sales are deferred revenue, so they will not show up on the financial reports until redeemed. However these sales helped boost cash flow over the winter months.
- (39) Rental events are already contracted for 2021, including (34) weddings. As a reference, only (29) weddings were held over the 2019 fiscal year. Corporate and Association events are difficult to book right now and I anticipate that these areas will remain unsteady until at least January if not beyond.
- We are focusing on social gatherings right now (large and small) as well as creative internal events to fill in the gaps. Once the pandemic changes, we will shift our focus to new business in these areas.
- We have transitioned our Digital Marketing Services over to Amplified based out of Minnesota from Logical Positions in order to launch more customized campaigns and have better customer service.

Player Development Q1:

- Leagues and Junior Golf Programming details are being finalized and will be launched to the public at the beginning of January
- Pro Tip Tuesday has returned to social media and content has been scheduled through August.



Course	NPS	Overall Rating	Service Rating	Course Rating	Food Rating	Recommend Rating	# of Surveys
FY 21 TYD	66.7	8.6	8.6	8.3	8.0	8.9	30
FY 20 YTD	66.7	8.8	9.2	8.4	7.6	9.0	36

1st QUARTER MARKETING PROMOTIONS

BADGER GAME SPECIAL
Two Topping Pizza
\$10

Dine in or Carry Out
Friday 10/23/20 after 4pm only



Three images showing Wisconsin Badger merchandise: a red baseball cap, a grey and red long-sleeved shirt, and a red and white jacket.

Saturday, November 7
9 Unique Holes | 11AM Shotgun



THORNBERRY CREEK AT ONEIDA
SIP & SHOP
11.20.20 - 11.21.20



BLACK FRIDAY

Two Thorntberry hats are displayed against a background of Christmas lights.

CLEARANCE DEALS AND 10% OFF ANNUAL PASSES



HARVEST DINNER
Friday, November 13
Featuring Course Pairings with Local Craft Brewer Noble Roots

THORNBERRY CREEK AT ONEIDA **NOBLE ROOTS BEER CO.**



GAME DAYS @ TCO

FOOD AND BEVERAGE SPECIALS
PRIZE DRAWINGS AFTER EVERY GAME

OPEN TWO HOURS BEFORE KICK OFF

THORNBERRY CREEK AT ONEIDA
GO.THORNBERRY.COM



All-Access
ANNUAL PASSES
Now Available!

*Swing into action at
 Thornberry
 Creek at Oneida!*

BENEFITS

- Unlimited golf with cart on both courses
- Access to practice facilities
- Complimentary range balls
- Locker Room access
- 14 days advance tee time booking
- 10% off all non-sale items in the golf shop
- Monthly incentives to be used at Thornberry Creek at Oneida

**10% OFF NOV. 20 - 21 AND
 ON BLACK FRIDAY**

GOLFTHORBERRY.COM

**THORBERRY CREEK
 AT ONEIDA**

SKIP COOKING AND ORDER TODAY!

Thanksgiving
**TAKE-OUT
 MENU**

ORDER YOUR THANKSGIVING MEAL FROM THORBERRY CREEK AT ONEIDA! THORBERRY CREEK'S EXECUTIVE CHEF, ADAM MARTY HAS PUT TOGETHER A DELICIOUS MENU OF THANKSGIVING FAVORITES.

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 AT ONEIDA**

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SPECIAL PRICING!

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**BOOK YOUR EVENT AT
 THORBERRY CREEK AT ONEIDA FOR
 DECEMBER 2020 THROUGH MARCH 2021**

**NO MINIMUMS
 NO ROOM RENTAL
 COMPLIMENTARY GOLF PACKAGES OR
 GIFTCARDS**

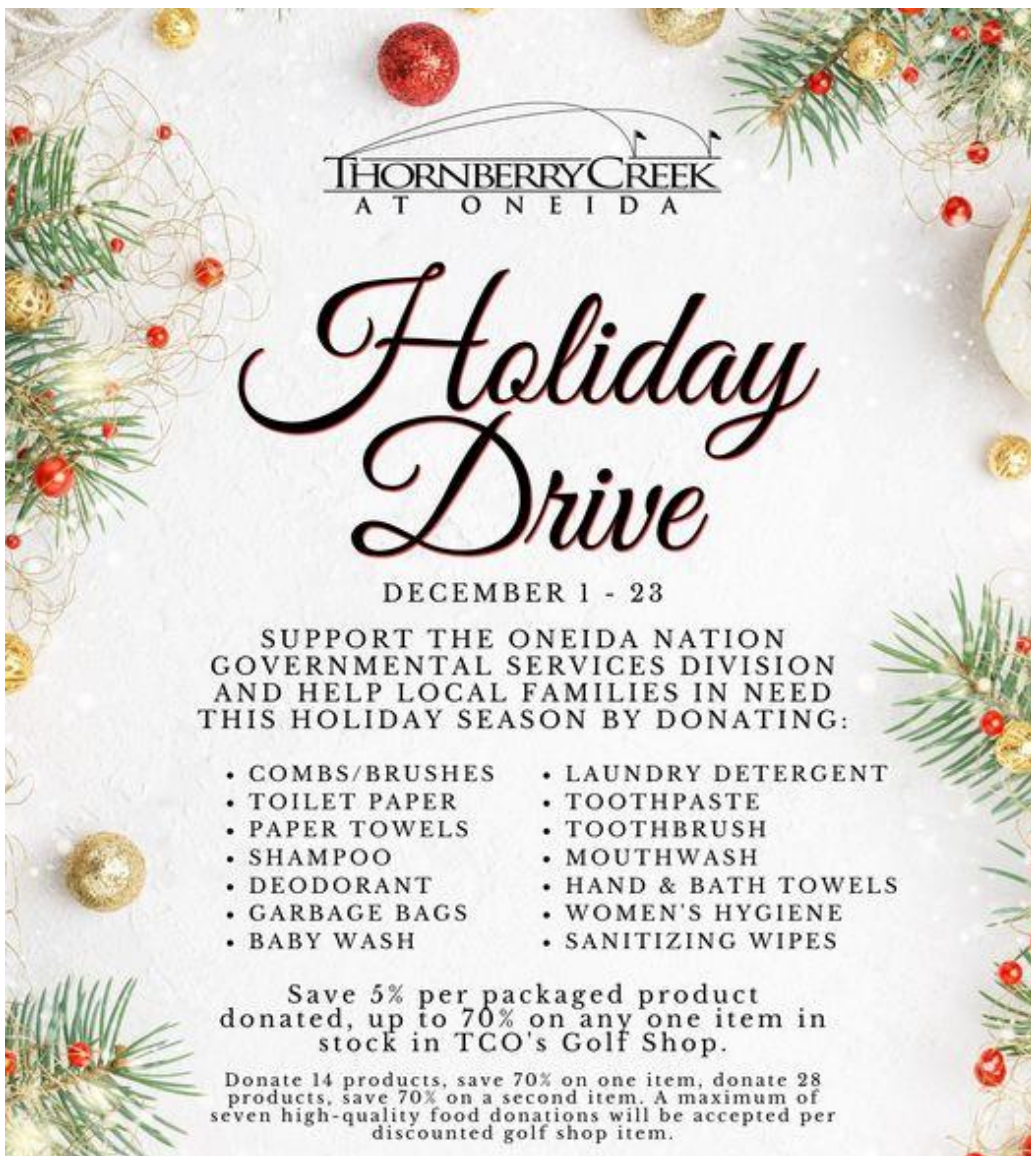
Taxes and service charge apply where applicable.

**THORBERRY CREEK
 AT ONEIDA**

HOLIDAY APPETIZERS

<p>CHEESE & CHARCUTERIE</p> <p>Wt Cheese, jam, pickles, sourdough, pistachio crackers \$75</p>	<p>RAW BAR</p> <p>12 Crab claws, 24 jumbo shrimp, 24 mussels, 18 east coast oysters, cocktail, horseradish, lemons \$150</p>
<p>GRILLED SHRIMP</p> <p>Smoked pineapple, pesto \$56/12 pieces</p>	<p>LOBSTER TOAST</p> <p>Leeks, lemon, coriander aioli, thyme \$54/15 pieces</p>
<p>RUSH CREEK RESERVE</p> <p>Upland's cheese wheel, sourdough, pistachio crackers, honey \$38/wheel</p>	<p>OLIVE SPREAD</p> <p>Rosemary crackers, Italian olives, parmesan, pink peppercorn \$32/24oz</p>
<p>BISON CARPACCIO</p> <p>Marrow, sea salt, baby arugula, blood orange \$36</p>	<p>SMOKED SALMON</p> <p>House-smoked dip, baguette, rush creek reserve \$54/24oz</p>
<p>DEVILED EGGS & BELLY</p> <p>Double smoked bacon, sweet potato, smoked maple \$29/18 pieces</p>	<p>CRAB CAKES</p> <p>Shallot, chipotle aioli, cress \$24/12 pieces</p>
<p>BRISKET</p> <p>Tomato jam, pickled red onion \$27/18 pieces</p>	

TO ORDER, CONTACT JOY AT 920.434.7501 X118 | GOLFTHORBERRY.COM
 ORDERS FULFILLED WED. - SUN. WITH 48 HOUR NOTICE | AVAILABLE THROUGH JAN. 5



Over 250 Personal Care Items collected through sales in the Golf Shop at Thornberry Creek at Oneida, plus an additional car-load of items donated from Rock Ledge Intermediate School in the Seymour Community School District were donated to the Oneida Nation Governmental Services Division in the month of December.

