



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room - 2nd Floor Norbert Hill Center

March 2, 2022

9:00 a.m.

This Legislative Operating Committee meeting will be closed to the public in accordance with Oneida Business Committee resolution BC-12-08-21-B, *Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19*.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. February 16, 2022 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Elder Assistance Program Law (pg. 4)

IV. New Submissions

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
February 16, 2022
9:00 a.m.

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

Others Present: Clorissa N. Santiago, Brooke Doxtator, Lawrence Barton, Kristal Hill (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Justin Nishimoto (Microsoft Teams), Eric Boulanger (Microsoft Teams), Barbara Webster (Microsoft Teams), Hon. Patricia Hoeft (Microsoft Teams), Chad Wilson (Microsoft Teams), Lisa Liggins (Microsoft Teams), Rae Skenandore (Microsoft Teams), Simone Ninham (Microsoft Teams)

I. Call to Order and Approval of the Agenda

David P. Jordan called the February 16, 2022, 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 2, 2022 LOC Meeting Minutes

Motion by Jennifer Webster to approve the February 2, 2022, LOC meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Budget Management and Control Law Amendments

Motion by Marie Summers to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Jennifer Webster. Motion carried unanimously.

2. Wellness Court Law

Motion by Marie Summers to approve the draft of the Healing to Wellness Court law and direct that a legislative analysis be developed; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

1. Oneida Nation Veterans Affairs Committee Bylaws Amendments

Motion by Jennifer Webster to add the Oneida Nation Veterans Affairs Committee bylaws amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marie Summers. Motion carried unanimously.



V. Additions

VI. Administrative Items

VII. Executive Session

VIII. Adjourn

Motion by Marie Summers to adjourn at 9:19 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee
March 2, 2022

Elder Assistance Program Law

Submission Date: 11/3/21	Public Meeting: N/A
LOC Sponsor: David P. Jordan	Emergency Enacted: N/A

Summary: *This request for a new law was brought forward by Councilman David P. Jordan based on a recommendation from the Chief Financial Officer during the October 20, 2021, LOC meeting. This request asks the LOC to consider developing a new law to establish an approved program under the Oneida General Welfare law which transitions the Nation's Elderly 65+ Per Capita Payment Distribution Fund, from being utilized for per capita payments to being utilized for general welfare assistance payments for elders.*

11/3/21 LOC: Motion by Marie Summers add the Elder Assistance Program law to the Active Files List with David Jordan as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

1/13/22: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Clorissa N. Santiago, Kristen Hooker, Carmen Vanlanen, Kristal Hill, Rhiannon Metoxen. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the initial draft of the Law with the LOC and prepare for the work meeting next week with Finance, Oneida Law Office, Trust Enrollment Department, and Trust Enrollment Committee.

1/19/22: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Marie Summers, Clorissa N. Santiago, Carmen Vanlanen, Kristal Hill, Carl Artman, Keith Doxtator, Lawrence Barton. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to begin discussing with the Oneida Law Office, Finance, and Trust Enrollment Department the possibility of transitioning the Nation's Elderly 65+ Per Capita Payment Distribution Fund from being utilized for per capita payments to being utilized for general welfare assistance payments for elders.

2/16/22: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss next steps for moving this legislative item forward.

2/22/22: *Work Meeting.* Present: Clorissa N. Santiago, Carl Artman. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was for Carl to gain more clarification on the purpose of the memorandum he is providing the Legislative Operating Committee.

2/25/22: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Carmen Vanlanen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the draft of the Law and determine next steps for moving this item forward.

Next Steps:

- Approve the draft of the Oneida Elder Assistance Program law and direct that a legislative analysis be developed.

Title 10. General Welfare Exclusion - Chapter 1002

ONEIDA ELDER ASSISTANCE PROGRAM

1002.1. Purpose and Policy
1002.2. Adoption, Amendment, Repeal
1002.3. Definitions
1002.4. Establishment

1002.5. Guidelines and Requirements
1002.6. Funding

1002.1. Purpose and Policy

1002.1-1. *Purpose.* The purpose of this law is to establish the Oneida Elder Assistance Program to govern how the Nation provides financial assistance to elders, pursuant to the principles of General Welfare Exclusion.

1002.1-2. *Policy.* It is the policy of the Nation to prioritize the general welfare needs of its elders. The Nation recognizes that its elders possess unique and irreplaceable stores of knowledge, skill, culture, and experience that enhance and enrich the lives of every member of the Nation. The interests of the Nation are advanced when its elders remain confident that their general welfare needs can be met.

1002.2. Adoption, Amendment, Repeal

1002.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-__.

1002.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1002.2-3. 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.

1002.2-4. 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.

1002.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1002.3. Definitions

1002.3-1. 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) "Approved program" means any program(s) to provide general welfare assistance that is intended to qualify as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution or law of the Nation in accordance with the Oneida General Welfare law.

(b) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a recipient pursuant to this law. Assistance provided under an approved program shall not be considered income of the recipient.

(c) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business Committee in its discretion and based on the circumstances, taking into account needs unique to the Nation as well as the social purpose being served by the particular assistance at hand, except as otherwise may be required for compliance with final guidance issued under 26 U.S.C. §139E following consultation between the Nation and the federal government.

(e) "Member" means an individual who is an enrolled member of the Nation.

(f) "Nation" means the Oneida Nation.

(g) "Recipient" means any member entitled to receive assistance in accordance with

approved program requirements.

1002.4. Establishment

1002.4-1. *Establishment.* The Oneida Elder Assistance Program is hereby established as an approved program of the Nation in accordance with the Oneida General Welfare law. The purpose of the Oneida Elder Assistance Program is to provide financial assistance to elders of the Nation to address the unique and compounding general welfare needs of elders.

1002.4-2. *General Welfare Exclusion.* The Oneida Elder Assistance Program meets the requirements of the General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the Oneida Elder Assistance Program is:

- (a) paid on behalf of the Nation;
- (b) pursuant to an approved program of the Nation;
- (c) does not discriminate in favor of members of the governing body of the Nation;
- (d) available to any eligible member of the Nation who meets the guidelines of the approved program;
- (e) provided for the promotion of general welfare;
- (f) not lavish or extravagant;
- (g) not compensation for services; and
- (h) not a per capita payment.

1002.5. Guidelines and Requirements

1002.5-1. *Eligibility.* The Oneida Elder Assistance Program shall be open to any individual who meets the following criteria:

- (a) is a member of the Nation;
- (b) is age sixty-five (65) or older; and
- (c) submits a completed application during the designated submission timeframe.

1002.5-2. *Application for Funds.* Any individual seeking assistance from the Oneida Elder Assistance Program shall submit an application.

- (a) The Trust Enrollment Department shall make available an Oneida Elder Assistance Program application form and instructions prior to July 1st of the year.

(1) The application shall require, at a minimum, the following information:

- (A) first and last name;
- (B) date of birth;
- (C) street address, city, state, zip code;
- (D) phone number;
- (E) e-mail address;
- (F) enrollment number;
- (G) bank account information for direct deposit if necessary;
- (H) description of need provided through options on the application and additional space provided therein;
- (I) confirmation from the applicant that all information provided therein is accurate and in accordance with the laws of the Nation and federal law; and
- (J) signature of the applicant, electronic or handwritten, affirming the attestation.

(2) On the application the applicant shall designate the means by which they would like to receive their disbursement of funds from the Oneida Elder Assistance Program, either through direct deposit or check.

(b) Applicants shall complete and return the Oneida Elder Assistance Program application form to the Trust Enrollment Department by the close of business on or before September 1st in order to be eligible for assistance from the Oneida Elder Assistance Program.

(1) The information provided in the Oneida Elder Assistance Program application form may be provided to any department, division, or personnel that processes the applications.

1002.5-3. *Disbursement of Funds.* Assistance provided through the Oneida Elder Assistance Program shall be disbursed on or before September 30th of each year. Funds from the Oneida Elder Assistance Program may be disbursed through direct deposit, or check, depending on the selection made on the application by the recipient.

1002.5-4. *Qualifying Expenditures.* The following types of expenses shall be considered qualifying expenditures for use of assistance from the Oneida Elder Assistance Program by the recipient:

(a) costs relating to housing needs of principal residences such as:

- (1) mortgage payments, rent payments, and down payments;
- (2) enhancements for habitability of housing;
- (3) basic housing repairs or rehabilitation;
- (4) improvements to adapt housing for special health needs;

(b) costs for paying utility bills and charges, including, but not limited to, the following:

- (1) water;
- (2) electricity;
- (3) gas;
- (4) basic communication services such as:

- (A) phone;
- (B) internet; and
- (C) cable;

(c) costs associated with food security;

(d) costs associated with home care assistance;

(e) costs associated with vehicle payments, maintenance, repair, and insurance;

(f) costs associated with medical care and transportation, room, and board costs for seeking medical care;

(g) funeral and burial expenses and expenses for attending wakes, funerals, burials, bereavements, and subsequent honoring events; and

(h) costs related to any other emergency circumstance.

1002.5-4. *Oversight.* The Trust Enrollment Department shall oversee the collection, review, and permitted distribution of funds from the Oneida Elder Assistance Program to the qualifying recipients.

1002.5-5. *Records Maintenance.* The Trust Enrollment Department shall be responsible for maintenance of records for the Oneida Elder Assistance Program. The recipient shall retain receipts for the expenditure of the funds associated with the Oneida Elder Assistance Program.

1002.6. Funding

1002.6-1. *Funding Source.* The Oneida Elder Assistance Program shall be funded through the

Emigrant NY Indian Claims Award Docket 75 Trust Fund and any other funding source deemed necessary by the Oneida Business Committee.

1002.6-2. *Amount of Available Funding.* The Oneida Trust Enrollment Committee shall determine the amount of assistance available to an eligible recipient from the Oneida Elder Assistance Program per any permitted distribution.

End.

Adopted – BC-__-__-__-__

March 2022

March 2022						
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April 2022						
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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 27	28	Mar 1	2 8:30am LOC Prep (BC_Conf_Room) - Clorissa N. Santiago 9:00am LOC Meeting (BC_Conf_Room) - LOC	3	4	5
6	7	8	9	10 9:30am LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	11	12
13	14	15	16 8:30am LOC Prep (BC_Conf_Room) - Clorissa N. Santiago 9:00am LOC Meeting (BC_Conf_Room) - LOC	17	18	19
20	21	22	23	24 9:30am LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	25	26
27	28	29	30	31 9:30am LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	Apr 1	2