



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2<sup>nd</sup> Floor Norbert Hill Center  
April 6, 2022  
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
  - 1. March 16, 2022 LOC Meeting Minutes (pg. 2)
- III. Current Business**
  - 1. Wellness Court Law (pg. 4)
- IV. New Submissions**
  - 1. Oneida Land Claims Commission Bylaws Amendments (pg. 18)
- V. Additions**
- VI. Administrative Updates**
- VII. Executive Session**
- VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
March 16, 2022  
9:00 a.m.

**Present:** David P. Jordan Daniel Guzman King, Jennifer Webster, Marie Summers, Kirby Metoxen (Microsoft Teams)

**Others Present:** Clorissa N. Santiago, Carmen Vanlanen, Brooke Doxtator, Lawrence Barton, Justin Nishimoto (Microsoft Teams), Eric Boulanger (Microsoft Teams), Rae Skenandore (Microsoft Teams), Amy Spears (Microsoft Teams), Courtney Georgia (Microsoft Teams), Kaylynn Gresham (Microsoft Teams), Hon. Layatalati Hill (Microsoft Teams), Hon. Patricia Hoeft (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams)

**I. Call to Order and Approval of the Agenda**

David P. Jordan called the March 16, 2022, Legislative Operating Committee meeting to order at 9:12 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded by Daniel Guzman King. Motion carried unanimously.

**II. Minutes to be Approved**

**1. March 2, 2022 LOC Meeting Minutes**

Motion by Jennifer Webster to approve the March 2, 2022, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**III. Current Business**

**1. Budget Management and Control Law Amendments**

Motion by Jennifer Webster to accept the updated public comment review memorandum; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to approve the updated draft and legislative analysis with noted change to section 121.8-2 of the law<sup>1</sup>; seconded by Marie Summers. Motion carried unanimously.

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<sup>1</sup> Section 121.8-2 of the Law was revised to read as follows:

121.8-2. *Notice of the Acquisition of Debt.* Any debt of ten million dollars (\$10,000,000) or more underwritten by the Nation shall be noticed to the General Tribal Council at the next available meeting prior to the execution of the credit agreement encumbering all pledges of repayment.

(a) If emergency circumstances exist which prevents the notice of the acquisition of debt to the General Tribal Council, the Oneida Business Committee may approve the acquisition of debt.

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



Motion by Marie Summers to approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by April 14, 2022; seconded by Jennifer Webster. Motion carried unanimously.

## **2. Wellness Court Law**

Motion by Jennifer Webster to approve the legislative analysis for the Healing to Wellness Court law; seconded by Marie Summers. Motion carried unanimously.

## **3. Elder Assistance Program Law**

Motion by Marie Summers to approve the updated draft of the Elder Assistance Program law and direct that a legislative analysis be developed; seconded by Jennifer Webster. Motion carried unanimously.

## **4. Oneida Nation Gaming Ordinance Amendments**

Motion by Daniel Guzman King to approve the draft and legislative analysis of the amendments to ONGO and direct that a public comment period be held open for the proposed amendments to ONGO until April 13, 2022; seconded by Marie Summers. Motion carried unanimously.

# **IV. New Submissions**

## **1. Oneida Nation Emergency Planning Committee Bylaws Amendments**

Motion by Jennifer Webster to add the Oneida Nation Emergency Planning Committee bylaws amendments to the Active Files List with David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

# **V. Additions**

# **VI. Administrative Items**

# **VII. Executive Session**

# **VIII. Adjourn**

Motion by Marie Summers to adjourn at 10:14 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



## Legislative Operating Committee April 6, 2022

# Wellness Court Law

<b>Submission Date:</b> 12/20/17	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Daniel Guzman King	<b>Emergency Enacted:</b> n/a

**Summary:** *This item was carried over from last term. The request to develop a Wellness Court law came from the Tribal Action Plan (TAP)- Laws and Policies Sub-Committee in December 2017. A Wellness Court brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant, and to promote Native Nation building and the well-being of the community.*

**10/7/20 LOC:** Motion by Kirby Metoxen to add the Wellness Court Law to the Active Files List with Daniel Guzman King as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

**11/18/20:** *THWCPI Training.* Present: Marc Panasiewicz (NADCP), Kris Pacheco (TLPI), Misti Porter (NADCP), Brittany Lanier (NADCP), Katy Burke (WI Statewide Treatment Court Coordinator), Chelsea Place (WI DOC Probation & Parole), David P. Jordan, Jennifer Webster, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Kristal Hill, Rhiannon Metoxen, Deborah Thundercloud, Mari Kriescher, Elijah Metoxen, Hon. Layatalati Hill, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Eric Boulanger, Joel Maxam, Tsyoslake House, Wesley Martin, Gerald Hill. The group participated in the Tribal Healing to Wellness Court Planning Initiative (THTWCPI) Training presented by the National Association of Drug Court Professionals (NADCP) held through Microsoft Teams.

**11/19/20:** *THWCPI Training.* Present: Marc Panasiewicz (NADCP), Kris Pacheco (TLPI), Misti Porter (NADCP), Brittany Lanier (NADCP), Katy Burke (WI Statewide Treatment Court Coordinator), Chelsea Place (WI DOC Probation & Parole), David P. Jordan, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Kristal Hill, Rhiannon Metoxen, Deborah Thundercloud, Mari Kriescher, Elijah Metoxen, Hon. Layatalati Hill, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Joel Maxam, Wesley Martin, Gerald Hill. The group participated in the Tribal Healing to Wellness Court Planning Initiative (THTWCPI) Training presented by the National Association of Drug Court Professionals (NADCP) held through Microsoft Teams.

**11/20/20:** *THWCPI Training.* Present: Marc Panasiewicz (NADCP), Kris Pacheco (TLPI), Misti Porter (NADCP), Brittany Lanier (NADCP), Katy Burke (WI Statewide Treatment Court Coordinator), Chelsea Place (WI DOC Probation & Parole), David P. Jordan, Jennifer Webster, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Kristal Hill, Rhiannon Metoxen, Deborah Thundercloud, Mari Kriescher, Elijah Metoxen, Hon. Layatalati Hill, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Eric Boulanger, Tsyoslake House, Wesley Martin, Gerald Hill. The group participated in the Tribal Healing to Wellness Court



Planning Initiative (THTWCPI) Training presented by the National Association of Drug Court Professionals (NADCP) held through Microsoft Teams.

- 1/6/21:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Eric Boulanger, Joel Maxam, Hon. Layatalati Hill, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Deborah Thundercloud, Mari Kriescher, Tsyoslake House, Wesley Martin, Gerald Hill, Kristal Hill, Rhiannon Metoxen, Bridget Mendolla-Cornelius, Chelsea Place. This work meeting was held through Microsoft Teams. The purpose of this work meeting was to begin the development of the Nation's Wellness Court law by reviewing an initial draft based off of other Tribal Healing to Wellness Court laws to serve as an outline for discussion. The drafting attorney will schedule another work meeting to continue the review of the draft.
- 1/20/21:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, Eric Boulanger, Joel Maxam, Hon. Layatalati Hill, Hon. Patricia Hoeft, Simone Ninham, Mari Kriescher, Tsyoslake House, Wesley Martin, Gerald Hill, Kristal Hill, Rhiannon Metoxen, Chelsea Place. This work meeting was held through Microsoft Teams. The purpose of this work meeting was to continue review and discussion of the Wellness Court law draft.
- 1/28/21:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Kristal Hill, Rhiannon Metoxen. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss a plan for moving this item forward through the legislative process.
- 2/5/21:** *Work Meeting.* Present: Clorissa N. Santiago, Hon. Layatalati Hill, Hon. Patricia Hoeft, Simone Ninham. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to provide the Judiciary an opportunity to provide input on the development of the Wellness Court law.
- 3/2/21:** *Work Meeting.* Present: Daniel Guzman King, Clorissa N. Santiago, Eric Boulanger, Joel Maxam, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Mari Kriescher, Leslie Doxtator, Renita Hernandez, Deborah Thundercloud, Tsyoslake House, Wesley Martin, Gerald Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the various objectives for "TAP, Goal 4: Create and implement a comprehensive Justice System that includes a Wellness Court and a rehabilitative corrections system" and set a process for moving forward with work meetings.
- 3/16/21:** *Work Meeting.* Present: Daniel Guzman King, Clorissa N. Santiago, Eric Boulanger, Joel Maxam, Hon. John Powless, Simone Ninham, Mari Kriescher, Leslie Doxtator, Renita Hernandez, Wesley Martin. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and discuss potential eligibility requirements for the Wellness Court.
- 5/18/21:** *Work Meeting.* Present: Clorissa N. Santiago, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Mari Kriescher, Leslie Doxtator, Renita Hernandez, Robert Brown. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and discuss Wellness Court phase considerations.
- 1/19/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carmen Vanlanen, Kristen Hooker, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting

was to review the updated and simplified draft of the Wellness Court law and determine the next steps for moving this legislative item forward.

**1/27/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carmen Vanlanen, Kristen Hooker, Rhiannon Metoxen, Hon. Layatalati Hill, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Eric Boulanger. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review updated and simplified draft of the Wellness Court law with the larger group, as well receive an update from the Judiciary on the progress of the internal policies and procedures for the Wellness Court.

**2/10/22:** *Work Meeting.* Present: Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Clorissa N. Santiago, Carmen Vanlanen, Hon. Layatalati Hill, Hon. John Powless, Hon. Patricia Hoeft, Simone Ninham, Eric Boulanger, Joel Maxam, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the two issues identified in the last work meeting (closed court vs. open court, and court of record vs. not a court of record), as well as review and discuss some suggested revisions from the Judiciary.

**2/16/22 LOC:** 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.

**3/16/22 LOC:** Motion by Jennifer Webster to approve the legislative analysis for the Healing to Wellness Court law; seconded by Marie Summers. Motion carried unanimously.

**3/31/22:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Marie Summers, Clorissa N. Santiago, 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 public meeting notice for this law.

#### **Next Steps:**

- Approve public meeting packet and forward the Healing to Wellness Court law to a public meeting to be held on May 4, 2022.

**ONEIDA NATION PUBLIC MEETING NOTICE****WEDNESDAY, MAY 4, 2022, 12:15 pm**

Norbert Hill Center-Business Committee Conference Room  
 N7210 Seminary Rd., Oneida, Wisconsin

**Find Public Meeting Materials at**
[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)
**Send Public Comments to**
[LOC@oneidanation.org](mailto:LOC@oneidanation.org)
**Ask Questions here**
[LOC@oneidanation.org](mailto:LOC@oneidanation.org)

920-869-4417

**HEALING TO WELLNESS COURT LAW**

The purpose of this proposed law is to establish the Nation's Healing to Wellness Court to:

- ♦ offer intensive case management, treatment, and court supervision to individuals who committed an offense directly or indirectly related to a substance abuse or addiction issue;
- ♦ provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho t^ (Our Ways);
- ♦ create intragovernmental and intergovernmental collaborative teams to interact with each participant; and
- ♦ encourage and support each participant in the goal of their recovery to lead lawful productive lives free of substance abuse and addiction.

**The Healing to Wellness Court Law will:**

- ♦ Establish the Healing to Wellness Court as a division of the Trial Court and delegate jurisdiction to the Healing to Wellness Court for matters related to substance abuse and addiction, and any matter arising under this law;
- ♦ Delegate authority to the Healing to Wellness Court to collaborate and enter into intergovernmental agreements with other courts of competent jurisdiction that exercise concurrent jurisdiction;
- ♦ Establish the Healing to Wellness Court team, comprised of a Trial Court Judge, Court Coordinator, Oneida Police Department Officer, representative from Probation, Substance Abuse Treatment provider, representative of Oneida culture and heritage, and any other member as determined by the Team, and provide how any revisions to the composition of the Healing to Wellness Court team are made;
- ♦ Delegate authority to the Healing to Wellness Court to establish policies and procedures governing the operation and implementation of the Healing to Wellness Court program; and
- ♦ Provide that the Healing to Wellness Court is a non-adversarial forum, and that all Team meetings and hearings are closed to the public, and held in accordance with the policies and procedures created by the Court.

**PUBLIC COMMENT PERIOD CLOSSES WEDNESDAY, MAY 11, 2022**

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Healing to Wellness Court law please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



# ADD ONEIDA TITLE IN ONEIDA LANGUAGE HEALING TO WELLNESS COURT LAW LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<b>REQUESTER:</b> Tribal Action Plan (TAP)-Laws and Policies Sub- Committee	<b>SPONSOR:</b> Daniel Guzman King	<b>DRAFTER:</b> Clorissa N. Santiago	<b>ANALYST:</b> Carmen VanLanen
<b>Intent of the Legislation or Amendments</b>	To establish the Nation's Healing to Wellness Court to bring together community healing resources with the Nation's justice system to work collaboratively with intragovernmental and intergovernmental partnerships to reduce the abuse of alcohol and other drugs and drug-related criminal activity affecting the Nation's community in an effort to promote life-long substance abuse recovery and the reintegration of participants into the Oneida community [8 O.C. 808.1-2].		
<b>Purpose</b>	<p>The purpose of this law is to establish the Nation's Healing to Wellness Court to:</p> <ul style="list-style-type: none"> <li>• Offer intensive case management, treatment, and court supervision to individuals who committed an offense directly or indirectly related to a substance abuse or addiction issue [8 O.C. 808.1-1(a)];</li> <li>• Provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho t^ (Our Ways) [8 O.C. 808.1-1(b)];</li> <li>• Create intragovernmental and intergovernmental collaborative teams to interact with each participant [8 O.C. 808.1-1(c)]; and</li> <li>• Encourage and support each participant in the goal of recovery to lead lawful, productive lives free of substance abuse and addiction [8 O.C. 808.1-1(d)].</li> </ul>		
<b>Affected Entities</b>	The Nation's Judiciary, Oneida Police Department, and Oneida Behavioral Health		
<b>Related Legislation</b>	Public Peace Law; Judiciary Law; Oneida Judiciary Rules of Civil Procedure Law; Oneida Judiciary Rules of Evidence Law		
<b>Public Meeting</b>	A public meeting will be held on Wednesday, May 4, 2022 with a public comment period held open until May 11, 2022.		
<b>Fiscal Impact</b>	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.		

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. *Background.*** The request to develop a Healing to Wellness Court law came from the Tribal Action Plan (TAP)- Laws and Policies Sub-Committee in December 2017. The Law was first added to the Active Files List on October 7, 2020.
- B. *History of Drug Courts.*** The drug court movement started in the late 1980s to help combat an increase in the number drug-related offenses and re-offenses that resulted in overcrowded jails and prisons, which incarceration alone was not able to control.<sup>1</sup> Between 1980 and 2000, arrests for drug offenses more than doubled.<sup>2</sup> Those who were imprisoned were not being treated for their substance abuse and the underlying problems and were subjected to traumatization by the prison system and faced many barriers upon release<sup>3</sup>. The response to this issue was to develop a court approach that systematically prioritized treatment in substance abuse cases.<sup>4</sup> A drug court is a special court docket to which cases involving alcohol and other substance abusing offenders are assigned for intensive supervision and treatment.<sup>5</sup> Drug courts are distinguished by several features, such as expedited case processing, outpatient treatment, and support services (e.g., job placement and housing services).<sup>6</sup>
- C. *Development of Healing to Wellness Courts in Native Nations.*** Native nations were looking to develop a court that would help confront intergenerational substance abuse issues while avoiding the term “drug court”, thus developing the term “healing to wellness court”. This term referred to the healing and wellness aspects of this approach, along with the idea that wellness is an ongoing journey.<sup>7</sup> In August 2003, state and national drug court efforts were used to help draft tribal-specific healing to wellness court curriculums. The newly developed Healing to Wellness Courts were not simply tribal courts that heard cases involving substance abuse but were special court docket-collaboratives that partnered with service providers to create a program for participants that included extensive supervision and treatment.<sup>8</sup> Tribal Healing to Wellness courts are guided by the Tribal Ten Key Components, which are the fundamental essentials of the drug court concept that were adjusted to reflect the tribal notions of healing and wellness, particularly the concept of a healing to wellness journey and the collaboration involved.<sup>9</sup>

## SECTION 3. CONSULTATION AND OUTREACH

- A.** The following departments within the Nation participated in the development of this Law and legislative analysis:
- Oneida Nation Judiciary;
  - Oneida Police Department;
  - Oneida Behavioral Health;
  - Tribal Action Plan (TAP);

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<sup>1</sup> U.S. Department of Justice Office of Justice Programs, “Tribal Healing to Wellness Court: The Key Components,” (April 2003).

<sup>2</sup> Arthur J. Lurigio, “The First 20 Years of Drug Treatment Courts: A Brief Description of Their History and Impact”.

<sup>3</sup> Tribal Law and Policy Institute, “Tribal Healing to Wellness Courts: Intergovernmental Collaboration,” (May 2021).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Arthur J. Lurigio, “The First 20 Years of Drug Treatment Courts: A Brief Description of Their History and Impact”.

<sup>7</sup> Tribal Law and Policy Institute, “Tribal Healing to Wellness Courts: Intergovernmental Collaboration,” (May 2021).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

- 35       ▪ Legal Resource Center;
- 36       ▪ General Manager; and
- 37       ▪ Oneida Business Committee
- 38   B. The following groups outside of the Nation were consulted in the drafting of this law and analysis:
- 39       ▪ Tribal Law and Policy Institute;
- 40       ▪ National Association of Drug Court Professionals (NADCP);
- 41       ▪ Wisconsin Department of Corrections; and
- 42       ▪ Wisconsin Statewide Treatment Court Coordinator.
- 43   C. The following laws and ordinances from other States, municipalities, and Tribes were reviewed in the
- 44    drafting of this Law and analysis:
- 45       ▪ Ho-Chunk Nation Healing to Wellness Court Code;
- 46       ▪ Cherokee Tribal Drug Court Code of Ordinances;
- 47       ▪ Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians Wellness Court Tribal
- 48        Code;
- 49       ▪ Fort Peck Wellness Court Code;
- 50       ▪ Penobscot Nation Healing to Wellness Court Program Procedures;
- 51       ▪ Poarch Band Creek of Indians Healing to Wellness Court Code;
- 52       ▪ Swinomish Tribal Court Code;
- 53       ▪ Fort McDowell Yavapai Nation Law and Order Code;
- 54       ▪ Winnebago Tribal Traditional Wellness Court Code; and
- 55       ▪ Tlingit and Haida Indian Tribes of Alaska Wellness Court Code.

## 57   SECTION 4. PROCESS

- 58   A. This Law has followed the process set forth in the Legislative Procedures Act (LPA).
- 59       ▪ On October 7, 2020, the Legislative Operating Committee added this Law to its Active
- 60        Files List.
- 61       ▪ On February 16, 2022, the Legislative Operating Committee approved the draft of this law
- 62        and directed that a legislative analysis be developed.
- 63       ▪ On March 16, 2022, the Legislative Operating Committee approved the draft of the
- 64        legislative analysis.
- 65   B. A group that included members from the departments of the Legislative Reference Office, Legislative
- 66    Operating Committee, and the Oneida Business Committee participated in the Tribal Healing to
- 67    Wellness Court Planning Initiative (THTWCPI) Training held by the National Association of Drug
- 68    Court Professionals (NADCP) through Microsoft Teams on the following dates:
- 69       ▪ November 18, 2020;
- 70       ▪ November 19, 2020; and
- 71       ▪ November 20, 2020.
- 72   C. At the time this legislative analysis was developed the following work meetings had been held
- 73    regarding the development of this Law:
- 74       ▪ January 6, 2021: LOC work meeting with the Oneida Police Department, Oneida Judiciary,
- 75        General Manager, Oneida Behavioral Health, Legal Recourse Center, and Wisconsin
- 76        Department of Corrections.

- January 20, 2021: LOC work meeting Oneida Police Department, Oneida Judiciary, General Manager, Oneida Behavioral Health, Legal Recourse Center, and Wisconsin Department of Corrections.
- January 28, 2021: LOC work meeting.
- February 5, 2021: Work meeting with Oneida Judiciary.
- March 2, 2021: LOC work meeting with Oneida Police Department, Oneida Judiciary, General Manager, Oneida Behavioral Health, Legal Recourse Center, and Tribal Action Plan.
- March 16, 2021: LOC work meeting with Oneida Police Department, Oneida Judiciary, General Manager, Oneida Behavioral Health, and Legal Recourse Center.
- May 18, 2021: Work meeting with Oneida Judiciary, Oneida Behavioral Health, Tribal Action Plan, Cultural Heritage.
- January 19, 2022: LOC work meeting.
- January 27, 2022: LOC work meeting with Oneida Police Department, and Oneida Judiciary.
- February 10, 2022: LOC work meeting with Oneida Police Department, and Oneida Judiciary.

## SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Purpose and Policy.*** The purpose of this Law is to establish the Nation's Healing to Wellness Court. The Court shall offer intensive treatment, case management, and court supervision to individuals who have committed an offense directly or indirectly related to substance abuse or addiction issues. [8 O.C. 808.1-1]. It is the policy of the Nation to bring together community-healing resources with the Nation's justice system to collaborate with partnerships to reduce the risk of substance abuse and criminal activity related to substance abuse. [8 O.C. 808.1-2].
- B. *Establishment.*** The Healing to Wellness Court is hereby established as a division of the Trial Court. [8 O.C. 808.4-1]. The Court shall have the authority to issue all orders necessary to ensure the safety, well-being, and rehabilitation of individuals who come within or consent to its jurisdiction. [8 O.C. 808.4-1(a)]. The Court shall have the power to implement all the duties, responsibilities, and remedies set out in this Law, including the power to enforce subpoenas and orders of restriction, fines and orders of restitution, contempt, and other powers as appropriate. [8 O.C. 808.4-1(b)].
- C. *Jurisdiction.*** The Healing to Wellness Court shall have jurisdiction over matters related to substance abuse and addiction and any matters arising under this Law. [8 O.C. 808.4-2].
- D. *Healing to Wellness Court Team.*** The Healing to Wellness Court program shall be administered by a Healing to Wellness Court Team, which shall be comprised of the following individuals:
1. Trial Court Judge;
  2. Healing to Wellness Court Coordinator;
  3. Oneida Police Department Officer;
  4. Representative of Probation;
  5. Substance Abuse Treatment Provider;
  6. Representative of Oneida culture and heritage; and
  7. Any other member to be determined by the Healing to Wellness Court Team. [8 O.C. 808.4-3(a)].

The composition of the Healing to Wellness Court Team may be revised as necessary as determined by the Court. The Court shall provide notification of any revision to the composition of the Healing to Wellness Court Team to the Oneida Business Committee and General Manager. [8 O.C. 808.4-3(b)].

- E. **Healing to Wellness Court Procedures.** The Court shall establish policies and procedures governing the operation and implementation of the Healing to Wellness Court program. [8 O.C. 808.5-1]. All Healing to Wellness Court Team meetings and hearings shall be closed to the public except for invited guests as allowed by HIPAA regulations. [8 O.C. 808.5-3]. The Court shall not be a court of record. Any information obtained, used, or disclosed by a member of the Healing to Wellness Court Team, including the participant, while the participant is under the jurisdiction of the Court shall not be used as evidence against the participant in any other proceeding in the Judiciary or any other court in any other jurisdiction. All Court records are privileged and confidential and shall not be disclosed except to the members of the Healing to Wellness Court Team. [8 O.C. 808.5-7]. However, confidential information may always be disclosed after the participant has signed a proper consent form, even if it is protected by Federal confidentiality regulations. The regulations also permit disclosure without a participant's consent in several situations, including medical emergencies, program evaluations, and communications among program staff. [8 O.C. 808.5-7(a)].

## SECTION 6. RELATED LEGISLATION

- A. **Related Legislation.** The following laws of the Nation are related to this Law:

- **Judiciary law.** The Judiciary law established a Judiciary for the Nation, and provides for the administration of law, justice, judicial procedures and practices by the Nation as a sovereign nation by exercising the inherent power to make, execute, apply and enforce its own law, and to apply its own customs and traditions in matters affecting the Oneida people. [8 O.C. 801.1-1].
  - **Court Open to the Public.** The Judiciary law provides that proceedings of the Trial Court shall be public and members of the general public may freely attend the same, except for peacemaking or mediation proceedings or if expressly prohibited by law. [8 O.C. 801.4-4].
    1. This Law provides that all Healing to Wellness Court Team hearings shall be closed to the public except for invited guests as allowed by HIPAA regulations. [8 O.C. 808.5-3].
  - **Subject Matter Jurisdiction.** The Judiciary law provides that Trial Court shall have subject matter jurisdiction over cases and controversies where laws of the Nation specifically authorize the Trial Court to exercise jurisdiction.
    1. This Law provides that the Healing to Wellness Court shall have jurisdiction over matters related to substance abuse and addiction and any matters arising under this law. [8 O.C. 808.4-2].
  - **Internal Operating Procedures.** The Judiciary law provides that the Judiciary is authorized to establish internal operating procedures governing the operation of the court, as long as the procedures shall not affect substantive rights and shall not conflict with existing law, the Rules of Procedure, or other rules enacted or approved by the Oneida Business Committee or Oneida General Tribal Council.



1. This Law provides that the Court shall establish policies and procedures governing the operation and implementation of the Healing to Wellness Court program. [8 O.C. 808.5-1].

- *Oneida Judiciary Rules of Civil Procedure.* The Oneida Judiciary Rules of Civil Procedure governs all civil actions that fall under the jurisdiction of the Nation to ensure that there is a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Tribal Courts to have their disputes resolved. [8 O.C. 803.1-1, 803.1-2].
  - This Law provides that the Oneida Judiciary Rules of Civil Procedure shall not apply in any Court proceedings. [8 O.C. 808.5-6].
- *Oneida Judiciary Rules of Evidence.* The Oneida Judiciary Rules of Evidence establishes rules of evidence to apply in proceedings held in the Trial court and Family Court of the Oneida Judiciary administer Court proceedings fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, by obtaining the truth and securing a just determination. [8 O.C. 804.1-1, 804.1-2].
  - This Law provides that the Oneida Judiciary Rules of Evidence shall not apply in any Court proceedings. [8 O.C. 808.5-6].
- *Public Peace Law.* The Public Peace law sets forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [3 O.C. 309.1-1]. The Public Peace law prohibits a person from committing a civil infraction involving alcohol, tobacco, and drugs. [3 O.C. 309.4-4, 309.9]. Upon a finding by the Trial Court that a violation of the Public Peace law has occurred, the individual may be ordered to participate in counseling or any other program relevant and available to the Nation. [3 O.C. 309.11-2(c)].
  - Potentially, a person who violates the Public Peace law may be ordered to participate in the Nation's Healing to Wellness Court program is allowed by Court's policies and procedures.

## SECTION 7. OTHER CONSIDERATIONS

A. *Fiscal Impact.* Please refer to the fiscal impact statement for any fiscal impacts.

- a. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation. [1 O.C. 109.6-1].
  - i. A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating Committee. [1 O.C. 109.6-1].
  - ii. Fiscal Impact statements may be prepared by any agency who may receive funding if the legislation is enacted, any agency who may administer a program if the legislation is enacted, any agency who may have financial information concerning the subject matter of the legislation, or by the Finance Office, upon request of the Legislative Operating Committee. [1 O.C. 109.6-1(a) and (b)].
  - iii. 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.
- b. *Conclusion.* The Legislative Operating Committee has not yet requested that a fiscal impact

206 statement be developed for this Law.  
207  
208

**Title 8. Judiciary - Chapter 808**  
**Oneida Language**  
*Oneida Translation*  
**HEALING TO WELLNESS COURT**

808.1. Purpose and Policy  
808.2. Adoption, Amendment, Repeal  
808.3. Definitions

808.4. General  
808.5. Healing to Wellness Court Procedures

**808.1. Purpose and Policy**

808.1-1. *Purpose.* The purpose of this law is to establish the Nation’s Healing to Wellness Court to:

- (a) offer intensive case management, treatment, and court supervision to individuals who committed an offense directly or indirectly related to a substance abuse or addiction issue;
- (b) provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho tǎ (Our Ways);
- (c) create intragovernmental and intergovernmental collaborative teams to interact with each participant; and
- (d) encourage and support each participant in the goal of their recovery to lead lawful productive lives free of substance abuse and addiction.

808.1-2. *Policy.* It is the policy of the Nation to bring together community-healing resources with the Nation’s justice system to work collaboratively with intragovernmental and intergovernmental partnerships to reduce the abuse of alcohol and other drugs and drug-related criminal activity affecting the Nation’s community in an effort to promote life-long substance abuse recovery and the reintegration of participants into the Oneida community.

**808.2. Adoption, Amendment, Repeal**

808.2-1. This law was adopted by the Oneida Business Committee by resolution BC-\_\_-\_\_-\_\_.

808.2-2. 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.

808.2-3. 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.

808.2-4. 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.

808.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**808.3. Definitions**

808.3-1. 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) “Court” means the Oneida Healing to Wellness Court, which is a division under the Trial Court that has the designated responsibility to oversee the Healing to Wellness Court program matters.

(b) “Court of competent jurisdiction” means a federal, state, or tribal court that has jurisdiction and authority to do a certain act or hear a certain dispute.

(c) “Healing to Wellness Court program” means a court-supervised evidence-based treatment program which promotes recover through a coordinated community-based response for individuals who abuse or are dependent on any controlled substance or alcohol.

(d) “Intragovernmental” means relating to or conducted within a government.

(e) “Intergovernmental” means relating to or conducted between two (2) or more governments.

(f) “Judiciary” means 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.

(g) “Nation” means the Oneida Nation.

(h) “Participant” means an individual who is admitted to the Healing to Wellness Court.

(i) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

#### **808.4. General**

808.4-1. *Establishment.* The Healing to Wellness Court is hereby established as a division of the Trial Court.

(a) The Court shall have the authority to issue all orders necessary to ensure the safety, well-being, and rehabilitation of individuals who come within or consent to its jurisdiction.

(b) The Court shall have the power to implement all the duties, responsibilities, and remedies set out in this law, including the power to enforce subpoenas and orders of restriction, fines and orders of restitution, contempt, and other powers as appropriate.

808.4-2. *Jurisdiction.* The Court shall have jurisdiction over matters related to substance abuse and addiction and any matter arising under this law.

(a) *Concurrent Jurisdiction.* The Court shall have the authority to collaborate with courts of competent jurisdiction that exercise concurrent jurisdiction.

(b) The Court may enter into collaborative inter-jurisdictional agreements with other courts of competent jurisdiction, law enforcement agencies, and other service providers upon approval by the Oneida Business Committee.

808.4-3. *Healing to Wellness Court Team.* The Healing to Wellness Court program shall be administered by a Healing to Wellness Court Team. The Healing to Wellness Court Team is the group of professionals who are primarily responsible for overseeing the day-to-day operations of the Healing to Wellness Court program and administering the treatment and supervisory interventions.

(a) *Composition.* The Healing to Wellness Court Team shall be comprised of the following individuals:

(1) Trial Court Judge;

(2) Healing to Wellness Court Coordinator;

(3) Oneida Police Department Officer;

(4) Representative of Probation;

(5) Substance Abuse Treatment Provider;

(6) Representative of Oneida culture and heritage; and

(7) any other member to be determined by the Healing to Wellness Court Team.

(b) *Revisions to the Composition of the Healing to Wellness Court Team.* The composition of the Healing to Wellness Court Team may be revised as necessary as determined by the

Court. The Court shall provide notification of any revision to the composition of the Healing to Wellness Court Team to the Oneida Business Committee and General Manager.

**808.5. Healing to Wellness Court Procedures**

808.5-1. *Establishment of Policies and Procedures.* The Court shall establish policies and procedures governing the operation and implementation of the Healing to Wellness Court program. The policies and procedures of the Healing to Wellness Court program shall not affect substantive rights and shall not conflict with existing law or rules enacted or approved by the Oneida Business Committee or Oneida General Tribal Council unless otherwise provided for within this law.

808.5-2. Healing to Wellness Court Team meetings and hearings shall proceed pursuant to the policies and procedures adopted by the Court.

808.5-3. All Healing to Wellness Court Team meetings and hearings shall be closed to the public except for invited guests as allowed by HIPAA regulations.

808.5-4. The Court is strictly a non-adversarial forum.

808.5-5. The Court judge shall make all findings of facts relevant to each participant's case pursuant to the policies and procedures adopted by the Court.

808.5-6. *Exclusion from the Oneida Judiciary Rules of Evidence and Oneida Judiciary Rules of Civil Procedure.* The Oneida Judiciary Rules of Evidence as well as the Oneida Judiciary Rules of Civil Procedure shall not apply in any Court proceedings.

808.5-7. *Not a Court of Record.* The Court shall not be a court of record. Any information obtained, used, or disclosed by a member of the Healing to Wellness Court Team, including the participant, while the participant is under the jurisdiction of the Court shall not be used as evidence against the participant in any other proceeding in the Judiciary or any other court in any other jurisdiction. All Court records are privileged and confidential and shall not be disclosed except to the members of the Healing to Wellness Court Team.

(a) Confidential information may always be disclosed after the participant has signed a proper consent form, even if it is protected by Federal confidentiality regulations. The regulations also permit disclosure without a participant's consent in several situations, including medical emergencies, program evaluations and communications among program staff.

*End.*

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Adopted – BC-\_\_-\_\_-\_\_-\_\_



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



## AGENDA REQUEST FORM

- 1) Request Date: March 21, 2022
- 2) Contact Person(s): Chris Cornel su  
 Dept: Oneida Land Claims Commission  
 Phone Number: 920-713-6422 Email: LCC-CCORN@ONEIDANATION.ORG
- 3) Agenda Title: Oneida Land Claims Commission Draft ByLaws
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
The Oneida Land Claims Commission (OLCC) began their annual review of their ByLaws when they resumed meeting in January 2022 and have identified revisions they would like considered changed to the OLCC ByLaws. The OLCC feel the suggested changes will bring the ByLaws to fit their current needs and update sections which have been changed due to the COVID pandemic

List any supporting materials included and submitted with the Agenda Request Form

- |                                     |          |
|-------------------------------------|----------|
| 1) <u>Draft redline OLCC ByLaws</u> | 3) _____ |
| 2) <u>BC Resolution 09-24-14-C</u>  | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:  
 \_\_\_\_\_

- 6) Please list all other departments or person(s) you have brought your concern to:  
 \_\_\_\_\_

- 7) Do you consider this request urgent? ☒ Yes ☐ No

If yes, please indicate why:

Some changes include changing the meeting start time, so members can participate timely

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester: \_\_\_\_\_

*Chris Cornelius, OLCC Chair*

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
 or  
**Legislative Operating Committee (LOC)**  
 P.O. Box 365  
 Oneida, WI 54155  
 Phone 920-869-4376



## ONEIDA LAND CLAIMS COMMISSION BYLAWS

### Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Land Claims Commission and may hereinafter be referred to as the OLCC.
- 1-2. *Establishment.* The Oneida Land Claims Commission, which evolved from the former Litigation Committee created by motion of the Oneida Business Committee on March 21, 1977, was originally established to supervise all activities involving the New York Land Claims, including post settlement. Re-established as the OLCC, its purpose was expanded to include developing strategy and providing direction, as well as recommendation, for litigation, negotiation and/or settlement to the Oneida Business Committee and Oneida General Tribal Council, with the New York Land Claims Wisconsin land claims/other future land claims. ~~Strike. Don concerned that New York Land Claims shld be discussed with GTC vs OBC. Per Dakota there were barriers RE: the NY Land Claims & previous members not being able to participate in those discussions. Per Chris maybe we can add this to a future agenda item.~~
- 1-3. *Authority.* The OLCC shall inform and educate the membership on the issues pertaining to Oneida Nation land claims, seek participation of the membership, and be further responsible for carrying out the following duties:
- (a) To bring forward concerns and suggestions of the membership regarding the Nation's land claims to the Oneida Business Committee.
  - (b) As part of its advisory procedures, to hold public meetings and undergo outreach to provide an opportunity for the membership to voice their concerns and suggestions regarding the Nation's land claims settlement efforts and to share those concerns/suggestions with the Oneida Business Committee.
  - (c) To study other Indian land claim settlements achieved between tribal, state, and federal governments and disseminate the information to the membership and the Oneida Business Committee.
  - (d) To manage the budget that the Oneida Business Committee provides to the OLCC in accordance with governing laws and policies of the Nation.
  - (e) To assist the Oneida Business Committee with any land claims arising out of natural resource issues/disputes as requested by the Oneida Business Committee.
  - (f) To carry out all other powers and/or duties delegated to the OLCC through any laws, policies, rules and/or resolutions of the Nation. ~~Don concerned these bylaws were not drafted with input from attorneys outside of LOC~~
- 1-4. *Office.* The official office mailing address of the OLCC shall be:  
Oneida Land Claims Commission  
P.O. Box 365  
Oneida, WI 54155

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priority, and ...

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**Commented [BMP1]:** This topic to be added to a future OLCC meeting agenda. Date yet to be determined

**Commented [BMP2]:** Please provide a response from LRO.

1-5. *Membership.*

- (a) *Number of Members.* The Oneida Land Claims Commission shall be composed of five (5) members. **Per Chris wondered how the # of members**

**were established**

**Commented [BMP3]:** I did not research the history of when the OLCC was formed. If LRO has such information, could you please share?

- (b) *Elected.* Members of OLCC shall be elected by enrolled members of the Nation in accordance with the laws and/or policies of the Nation governing elections.

(1) Members shall serve three (3) year staggered terms as currently established.

(2) Members shall hold office until their term expires, they resign, or they are removed/terminated **or leave and add due to unforeseen circumstances** from office.

(A) Although a member's term has expired, he or she shall remain in office and serve until a successor has been sworn in by the Oneida Business Committee.

(B) A member may resign at any time verbally at a meeting or by delivering written/**emailed** notice to the Oneida Business Committee Support Office and/or the OLCC Chairperson or Chairperson's designee. **[How does this impact Tomas**

**Escamea's termination**

- (i) The resignation is deemed effective upon acceptance by OLCC motion of a member's verbal resignation or upon delivery of **a** notice.

**Commented [BMP4]:** This information was shared with the OLCC members at several meetings. The legal opinion was provided. No changes necessary

- (c) *Vacancies.* Vacancies on the OLCC 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 **OLCC** Chairperson shall provide the Oneida Business Committee with recommendations on all applications for appointment to fill a vacancy by the executive session in which the appointment is intended to be made.

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**Shannon to review & recommend language**

- (d) *Qualifications of Members.* Members of the OLCC must meet the following qualifications:

- (1) Be an enrolled member of the Oneida Nation;
- (2) Be eighteen (18) years of age or older;
- (3) Be able to attend all regular, joint, and emergency meetings;
- (4) Shall not be serving in the capacity of consultant, contractor, or attorney for the OLCC; and
- (5) Shall not have been terminated or removed from office of the OLCC within six (6) years of his or her application for membership.



1-6. *Removal or Termination.* OLCC members may be terminated or removed from office as follows:

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- (a) If the member was elected, the OLCC's filing of a petition for his or her removal pursuant to the Removal law and/or any other law of the Nation governing the removal of elected officials.
- (b) If the member was appointed, the OLCC's recommendation to the Oneida Business Committee for termination of his or her appointment in accordance with the Boards, Committees and Commissions law and/or any other law of the Nation governing the termination of appointed officials.
- (c) The following may be cause for the filing of a petition for removal or the submission of a recommendation for termination of member from the OLCC:
  - (1) Accruing three (3) or more consecutive unexcused absences from ~~Confusing section (1-20-22)~~ meetings of the OLCC within one (1) calendar year;
    - (A) An absence shall be considered unexcused if a member fails to provide an OLCC Officer with written notice of his or her intended absence at least thirty (30) minutes prior to a meeting.
  - (2) Accruing eight (8) or more absences from meetings of the OLCC within one (1) calendar year; and/or
  - (3) Violating one or more sections of these bylaws or any other governing laws of the Nation.
- (d) The filing of a petition for removal or submission of a recommendation for termination shall be decided by a majority vote of the members in attendance at an OLCC meeting of an established quorum.

1-7. *Trainings and Conferences.* Members of the OLCC shall attend mandatory trainings and/or conferences as deemed necessary by a majority vote of at least a quorum of the OLCC.

- (a) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the OLCC shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.
- (b) Members shall report back to the OLCC within thirty (30) days of completing a training or conference.

## Article II. Officers

2-1. *Officers.* The Officer positions of the OLCC shall consist of a Chairperson, Vice-Chairperson and Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson shall be as follows:

- (a) To call and preside over meetings of the OLCC;

- (b) To monitor all Oneida Nation land claim activities and request travel, additional training, and/or other budgetary items requiring funding from the Nation;
- (c) To create subcommittees of the OLCC and appoint its members in accordance with section 2-5 of these bylaws.
- (d) To, personally or through a designee, submit annual/semi-annual reports to the Oneida General Tribal Council and quarterly reports to the Oneida Business Committee in accordance with the Boards, Committees and Commissions law; and
- (e) To attend or designate a member of the OLCC to attend the Oneida Business Committee meeting in which the OLCC's quarterly report appears on the agenda.

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

- (a) To act in the absence of the Chairperson.

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

- (a) To monitor the land claims related expenditures from the OLCC budget;
- (b) To record, both in writing and audibly; compile; and submit meeting minutes in accordance with these bylaws and the Boards, Committees and Commissions law;
- (c) To maintain files of the OLCC in accordance with the Nation's Open Records and Open Meetings law;
- (d) To provide notice of meetings, as well as notice of meeting location, agenda, documents and minutes, in accordance with these bylaws, the Boards, Committees and Commissions law, and the Nation's Open Records and Open Meetings law; and
- (e) In the event that both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms, to call meetings of the OLCC 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, shall preside.

1-20-22 Dakota wondered if all these responsibilities were taken away? Dakota to talk with Brooke Doxtator on this. Chris says her understanding is the Secretary is still responsible for these, just now working with the BCC ofc. Bonnie explained the GAO's role & that the Secretary reviews the GAO's work and determines if it is complete. Dakota was okay for now

Commented [BMP5]: Brooke and Dakota met. There were no changes here.

2-5. *Subcommittees.* Subcommittees of the OLCC may be created and dissolved in accordance with the Boards, Committees and Commissions law.

- (a) Subcommittees of the OLCC may be created and appointed by the Chairperson upon approval by majority vote of the members in attendance at an OLCC meeting of an established quorum.



- (1) The Chairperson shall be an ex-officio member of all subcommittees of the OLCC.
- (b) A subcommittee of the OLCC shall serve until the duties of the subcommittee are completed and a report is given to the OLCC.
- (c) Members of subcommittees of the OLCC shall not be eligible for stipends unless a specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council. [1-20-22 Donald OLCC not a committee of the BC only GTC. Therefore, only GTC can say if a stipend can be paid, not the BC. OLCC is autonomous from the BC. Recommendation would be to eliminate the BC. This body was created by GTC not BC and this body is governed by GTC it could only be distinguished by GTC not BC. That's why this board was formed so it could be brought to GTC not by BC. That's our responsibility. Per Bonnie suggested the OLCC review section 1.2 (Establishment). Daniel Guzman-many BCC;s feel GTC created them, while GTC is not in session everyone reports to the BC in accordance with the Constitution. Chris concurred. Chris suggested: made by the Oneida GTC or designee in accordance with the Oneida Constitution. Maybe have a historical search be done, maybe by Records, maybe by a subcommittee. Donald recommended the intent of creating OLCC be tabled for another time. Bonnie to track the historical search and intent for creating OLCC]

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Commented [BMP6]: I have not researched the history of OLCC creation yet. But if LRO has this, could you please share it when the Redline is completed?

- 2-6. *Selection of Officers.* Officers of the OLCC shall be elected on an annual basis by majority vote of the members in attendance at an OLCC meeting of an established quorum.
- (a) Officers shall take office on the date of election and serve a one (1) year term.
  - (b) Members may be dismissed from their Officer positions by majority vote of the members in attendance at an OLCC meeting of an established quorum.
  - (c) Officers shall hold no more than one (1) Officer position per Officer term.
- 2-7. *Budgetary Sign-Off Authority and Travel.* The OLCC shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.
- (a) The levels of budgetary sign-off authority for the OLCC shall be as set forth in the manual titled, 1-20-22 Bonnie to see if this document name is changed to Oneida Nation Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures, for Area Directors/Enterprise Directors.
    - (1) All OLCC Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:
      - (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
    - (b) The OLCC shall approve a member's request to travel on behalf of the OLCC by a majority vote of the members in attendance at a regular or emergency OLCC meeting of an established quorum.

- 2-8. *Personnel.* The OLCC shall not have the authority to hire personnel for the benefit of the OLCC. **[1-20-22 Dakota, what? No one recalled them ever putting this in their bylaws. Dakota would like to come back to this. Daniel Guzman: He believes the purpose of adding this language is that what the GAO was created for. Question is who put in after OLCC approved the bylaws. Daniel asked if that is what OLCC approved, Chris said she doesn't recall this language in their version. Dakota felt it should be worded better. Per Chris we can come back to this.]**

### Article III. Meetings

- 3-1. *Regular Meetings.* The OLCC shall meet the first and third Thursday of each month, commencing at **6:00 p.m., in a location designated by OLCC** located in Oneida, Wisconsin.

- (a) The date, time and/or place of the meeting may be reviewed by the OLCC from time-to-time and changed as deemed necessary by a majority vote of the members in attendance at an OLCC 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) All OLCC members shall be provided notice of meeting location, agendas, documents, materials and minutes via email communication sent to the official Oneida Nation email address provided each member to conduct business electronically on behalf of the Board and, along with the public, shall further be noticed in accordance with the Nation's Open Records and Open Meetings law.
- (c) The OLCC shall conduct all meetings consistent with Robert's Rules of Order.

- 3-2. *Emergency Meetings.* An emergency meeting may be called when an issue arises requiring immediate action of the OLCC that cannot wait until its next regularly scheduled meeting.

- (a) Emergency meetings may be called by the Chairperson or Vice-Chairperson.
- (b) The OLCC Secretary shall provide notice of emergency meetings to all OLCC members via telephone call, as well as email or text messaging, at least twenty-four (24) hours before the scheduled meeting and, along with the public, shall further provide notice in accordance with the Nation's Open Records and Open Meetings law.
  - (1) Notice via email communication shall be sent to the official Oneida Nation email address that was provided to all members to conduct business electronically on behalf of the OLCC.
- (c) Within seventy-two (72) hours after an emergency meeting, the Board 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.

**Commented [BMP7]:** Need a response for OLCC members.

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3-3. *Joint Meetings.* Joint meetings between the OLCC and the Oneida Business Committee may be held at the Norbert Hill Center located in Oneida, Wisconsin as agreed upon between the parties.

- (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.

**Commented [BMP8]:** In accordance with BCC law section 105-3-1.(k) "Joint Meeting" means a meeting with the Oneida Business Committee. OLCC may meet with any area in the organization, however, it won't be considered a Joint Meeting, nor would there be a stipend paid.

3-4. *Quorum.* A quorum shall consist of at least three (3) members of the OLCC, one (1) of whom shall include the Chairperson, Vice-Chairperson or Secretary; provided, the Secretary is the presiding Officer pursuant to section 2-4(e) of these bylaws.

- (a) If a quorum has not been established within fifteen (15) minutes of the announced meeting start time, the meeting will be declared dismissed due to no quorum and documented in the next meeting minutes.

(b) Members may participate in OLCC meetings, with prior approval from the Chairperson, Vice-Chairperson or Secretary, via skype, conference call or video conference.

- (1) Members authorized to participate in a meeting per section 3-4(b) of these bylaws shall be deemed in attendance for purposes of establishing a meeting quorum.

**Commented [BMP9]:** Would like language added that OLCC may from time to time extend the (15) minutes.

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**Commented [BMP10]:** Ended discussion here. Start with section 3-5 at February 17, 2022 meeting

**Deleted:** but shall not be eligible to receive a stipend for meeting attendance under section 5-1 of these bylaws

3-5. *Order of Business.* The order of business, as applicable, shall be:

- (a) Call to Order/Roll Call
- (b) Opening Prayer
- (c) Approval of Agenda
- (d) Approval of Minutes
- (e) Old Business/Standing Items
- (f) New Business
- (g) Reports
- (h) Executive Session
- (i) Open Discussion
- (j) Adjournment/Closing Prayer

3-6. *Voting.* Decisions of the OLCC shall be by majority vote of the members in attendance at an OLCC meeting of an established quorum.

- (a) The Chairperson, or Officer presiding in his or her absence pursuant to these bylaws, shall only be allowed to vote in cases of a tie.
- (b) E-polls are permissible so long as conducted in accordance with the Boards, Committees and Commission law.
- (1) The Vice-Chairperson shall serve as the Chairperson's designee for the responsibility of conducting an e-poll in the Chairperson's absence or discretion.

#### Article IV. Expectations

4-1. *Behavior of Members.* Members of the OLCC are expected to treat each other in accordance with the Nation's core values of The Good Mind as expressed by On^yote'a'ka. In addition, OLCC members are expected to:

- (a) Attend all OLCC meetings and actively participate.
  - (1) A member who has three (3) unexcused meeting absences in one (1) calendar year shall be added to an OLCC meeting agenda for consideration of possible enforcement pursuant to subsection (c) of this section.
    - (A) An absence shall be deemed unexcused if a member fails to provide an OLCC Officer with notice of his or her pending absence at least thirty (30) minutes prior to the missed meeting.
  - (2) A member who has accrued eight (8) meeting absences, whether excused or unexcused, in one (1) calendar year shall be added to an OLCC meeting agenda for consideration of possible enforcement pursuant to subsection (c) of this section.
- (b) Adhere to this section, as well as every other section, of these bylaws and to any governing laws and/or policies of the Nation.
- (c) *Enforcement.* Any member found to be in violation of this 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 OLCC'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 OLCC's 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 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 in attendance at an OLCC meeting of an established quorum.

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Commented [BMP11]: Is this blanket language for everything?

4-2. *Prohibition of Violence.* Members are prohibited from committing any intentionally violent act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to personal property.

- (a) Along with the possibility of enforcement under section 4-1 of these bylaws, members who violate this section shall be ejected from the meeting.

4-3. *Drug and Alcohol Use.* The use of alcohol and illegal drugs by members when acting in their official capacity is prohibited.

- (a) Along with the possibility of enforcement under section 4-1 of these bylaws, members who present at meetings or events of the OLCC in violation of this section shall be ejected from the meeting/event.



4-4. *Social Media.* OLCC members shall adhere to the Oneida 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 OLCC.

- (a) Any social media use on behalf of or as a representative of the OLCC must be approved in advance by a majority vote of the members in attendance at an OLCC meeting of an established quorum.

**Commented [BMP12]:** Need to create a webpage?  
Bonnie to put on 3/3/22 agenda

**Commented [BMP13R12]:** This was added to the OLCC agenda. No change to Bylaws

4-5. *Conflict of Interest.* OLCC members shall abide by all laws of the Nation governing conflicts of interest.

#### Article V. Stipends and Compensation

5-1. *Stipends.* 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-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

**Commented [BMP14]:** Bonnie to send to OLCC members including BC-08-12-20-C

**Commented [BMP15R14]:** This resolution was sent to the OLCC members along with BC-08-12-20-C

- (a) Two (2) meeting stipends per month, 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.
- (b) A stipend for attending duly called joint meetings between the OLCC and the Oneida Business Committee, provided that:
- (1) A quorum was established by the OLCC;
  - (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, including meetings with other areas of the

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- (c) A stipend for attending a Judiciary hearing so long as the member's attendance at the hearing was required by official subpoena.
- (d) A stipend for attending a conference or training, provided that:
  - (1) The member attended a full day of training or was present at the conference for a full day; and
  - (2) The member's attendance at the conference or training was required by law, bylaws or resolution.
- (e) A stipend for attending a work/project type meeting

**Commented [BMP16]:** Identified that a "Retreat" can fall in alignment with a Conference

**Commented [BMP17R16]:** Shared at the OLCC meeting. A change should not be necessary to the Bylaw

**Commented [BMP18]:** Insert alternative language

**Commented [BMP19R18]:** If a "Retreat" would fall under "Conference" then there is no need to insert this language.

5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, members shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the OLCC.

- (a) Before submitting to the Oneida Business Committee Support Office for reimbursement sign-off, members shall submit written reports on accrued travel, per diem and/or business expenses, in a format approved by the

Secretary, to the Secretary no later than ten (10) days from the date of the activity.

## Article VI. Records and Reporting

6-1. *Agenda Items.* Agenda items shall be maintained in a format ~~as identified in section 3-5 of these ByLaws.~~

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6-2. *Minutes.* Meeting minutes shall be typed and in a consistent format created by the Oneida Business Committee Support Office to generate the most informative record of the meeting and shall include, but not be limited to, a summary of all action taken by the OLCC during the meeting.

(a) ~~The OLCC minutes shall be provided to the OLCC Secretary for signature after official approval of the minutes.~~

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6-3. *Attachments.* All handouts, reports, memorandum and the like shall be attached to the official meeting minutes and agenda in which they were presented for record keeping.

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(a) The meeting minutes, agenda and attachments shall be maintained by the OLCC Secretary and/or Secretary's designee in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.

6-4. *Oneida Business Committee Liaison.* The OLCC shall communicate regularly with the member of the Oneida Business Committee who is its designated liaison.

(a) The frequency and method of communication shall be as agreed upon by the OLCC and the liaison, but not less than ~~what~~ is required in any law or policy on reporting.

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(b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as ~~an advocate and to support the OLCC.~~

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6-5. *Audio Recordings.* All meetings of the OLCC shall be audio recorded by the Secretary or Secretary's designee using a device provided or approved by the Oneida Business Committee Support Office.

(a) The Secretary shall maintain the audio recordings in accordance with the Nation's Open Records and Open Meetings law.

(b) *Exception.* Audio recordings of executive session portions of meetings will not be recorded.

## Article VII. Amendments

7-1. *Amendments to Bylaws.* The OLCC may, upon written notice in accordance with these bylaws and any governing laws of the Nation, by majority vote of the members present at an OLCC meeting of an established quorum, adopt, amend, or repeal any or all of the bylaws; provided, the amendment or repeal had been submitted at the previous regular OLCC meeting for review.



- (a) Any amendments to or repeals of these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.
- (b) All such amendments/repeals must be approved by the Oneida Business Committee, ~~or the Oneida General Tribal Council~~, prior to implementation.
- (c) At the first regular meeting following an election of Officers, or no less than annually, a review of the bylaws shall be conducted to determine whether they are current and adequate.

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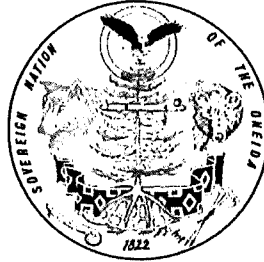
These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on October 23, 2019, by the Secretary of the Oneida Business Committee's signature.

  
 Lisa Summers, Secretary  
 Oneida Business Committee

# Oneida Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE  
Because of the help of  
this Oneida Chief in  
cementing a friendship  
between the six nations  
and the colony of  
Pennsylvania, a new  
nation, the United States  
was made possible.

## BC Resolution 09-24-14-C

### Adopting Standards for the Roles and Responsibilities for Oneida Business Committee Liaison Assignments

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution; and
- WHEREAS,** the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee believes that communication between the boards, committees, and commissions of the Tribe and corporations of the Tribe helps to create a shared understanding of the vision and strategy of the Oneida Business Committee and the Tribe itself; and
- WHEREAS,** the Oneida Business Committee believes that setting standards for liaison responsibilities assists in setting expectations and reduces misunderstanding between the Oneida Business Committee, liaison, and the board, committee, commission or corporate entity; and
- WHEREAS,** Oneida Business Committees have discussed liaison responsibilities and taken actions at various times, the earliest documented occurrence is at the September 29, 1987 meeting of the Oneida Business Committee; and
- WHEREAS,** the most recent discussion of the liaison roles occurred in July of 2011 where the roles and responsibilities were discussed by the Oneida Business Committee drawing up a list of those expectations; and
- WHEREAS,** the Oneida Business Committee believes that these roles and responsibilities should be formally adopted by the Oneida Business Committee;

**NOW THEREFORE BE IT RESOLVED** that the Oneida Business Committee adopts the roles and responsibilities standards for liaison assignments.

1. Liaisons shall foster open communications and a good working relationship with liaison areas.
2. Liaisons shall maintain and respect confidentiality of information passed from the Oneida Business Committee to the liaison area and from the liaison area to the Oneida Business Committee.
3. Liaisons shall act as a communication agent and/or act to facilitate the transfer of information between the entity and the Oneida Business Committee through communication (phone, e-mail, correspondence, and presentations), attending liaison area meetings, and scheduling meetings between the liaison and the chairperson of the liaison area.
4. Liaisons shall present information, concerns, and questions from the Oneida Business Committee to the liaison area and from the liaison area to the Oneida Business Committee in a timely manner in order to allow the greatest possible opportunity to resolve concerns and address questions by the Oneida Business Committee or liaison area.
5. Liaisons shall act as the governmental spokesperson for the liaison area at times when government-to-government communication is required, to provide testimony at public hearings where testimony is solicited, and shall be responsible for obtaining Oneida Business Committee approval of all such testimony presented in order to maintain a consistent Tribal position throughout the Tribe or Indian country as appropriate.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Oneida Business Committee directs that liaisons are not assigned as members of the board, committee, commission or corporate board, and shall take such precautions as to avoid influencing the actions of the liaison area other than presenting information. Liaisons may identify where the Oneida

Business Committee has taken action, but shall refrain from expressing an opinion regarding how the Oneida Business Committee may act.

**NOW THEREFORE BE IT FURTHER RESOLVED** that liaisons are authorized to participate in executive sessions of the liaison area, except where prohibited by law, regulation or in common good sense the liaison should be excused from attending the meeting.

**NOW THEREFORE BE IT FINALLT RESOLVED** that this resolution supersedes all prior actions.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 24<sup>th</sup> day of September, 2014; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Tribal Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."

# April 2022

April 2022						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2022						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

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