



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room - 2nd Floor Norbert Hill Center
August 3, 2022
9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. July 20, 2022 LOC Meeting Minutes (pg.)

III. Current Business

1. Oneida Nation Assistance Fund Law (pg.)

IV. New Submissions

V. Additions

VI. Administrative Updates

1. Legislative Operating Committee FY22 Third Quarter Report (pg.)
2. E-Poll Results: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
July 20, 2022
9:00 a.m.

Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King

Excused: Marie Summers, Jennifer Webster

Others Present: Clorissa N. Santiago, Grace Elliot, Carolyn Salutz, Brooke Doxtator, Lawrence Barton, Lydia Witte, Krystal John, Amy Spears (Microsoft Teams), Justin Nishimoto (Microsoft Teams), Joy Salzwedel (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Rae Skenandore (Microsoft Teams), Kaylynn Gresham (Microsoft Teams), Eric Boulanger (Microsoft Teams), Michelle Braaten (Microsoft Teams), Todd Vandenheuvell (Microsoft Teams), Nathan Ness (Microsoft Teams)

I. Call to Order and Approval of the Agenda

David P. Jordan called the July 20, 2022, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Daniel Guzman King to adopt the agenda as is; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. July 6, 2022 LOC Meeting Minutes

Motion by Daniel Guzman King to approve the July 6, 2022, LOC meeting minutes and forward to the Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Children's Code Amendments

Motion by Daniel Guzman King to approve the updated public comment review memorandum, draft, and legislative analysis; seconded by Kirby Metoxen. Motioner withdrew his motion, seconder agreed.

Motion by Kirby Metoxen to approve the updated public comment review memorandum, draft, and legislative analysis, and direct the Indian Child Welfare Department to pursue amendments to their MOU with the Trust Enrollments Department; seconded by Daniel Guzman King. Motion carried unanimously.



Motion by Daniel Guzman King 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 August 17, 2022; seconded by Kirby Metoxen. Motion carried unanimously.

2. Oneida Nation Assistance Fund Law

Motion by Daniel Guzman King to approve the draft and legislative analysis for the Oneida Nation Assistance Fund law; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

1. Probate Law

Motion by Kirby Metoxen to add the Probate law to the Active Files List with Kirby Metoxen as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

V. Additions

VI. Administrative Items

1. E-Poll Results: Adoption of an Emergency Amendment to the Election Law

Motion by Kirby Metoxen to enter into the record the results of the July 7, 2022, e-poll entitled, Adoption of an Emergency Amendment to the Election Law; seconded by Daniel Guzman King. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn at 9:46 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee August 3, 2022

Oneida Nation Assistance Fund Law

Submission Date: 6/1/22	Public Meeting: N/A
LOC Sponsor: Jennifer Webster	Emergency Enacted: 6/8/22

Summary: *This item was added to the Active Files List on June 1, 2022. On May 25, 2022, the Legislative Reference Office submitted a request for the development of an Oneida Nation Assistance Fund law, the purpose of which is to establish the Oneida Nation Assistance Fund as an approved program of the Nation to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law. On April 14, 2021, the Oneida Business Committee adopted resolution BC-04-14-21-D, Oneida Nation Assistance Fund, which created an approved program – the Oneida Nation Assistance Fund – for the purpose of providing for the general welfare of the Nation and its members by offering limited amounts of financial assistance to Tribal members requiring general welfare need assistance, who could attest to such need. The Oneida Nation Assistance Fund, as adopted through resolution BC-04-14-21-D, was specific to a disbursement for an application period of June 1, 2021, and September 1, 2021. This Law was added to the Active Files List to codify the Oneida Nation Assistance Fund. On June 8, 2022, the Oneida Business Committee adopted the Oneida Nation Assistance Fund law on an emergency basis through resolution BC-06-08-22-A. The emergency adoption of this law will expire on December 8, 2022.*

5/12/22: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, 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 how resolution BC-04-14-21-D, Oneida Nation Assistance Fund, would not work for this year’s general welfare assistance payment to members and whether we should bring forward an Oneida Nation Assistance Fund law through emergency adoption to address this year’s GWA disbursement.

5/18/22: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carl Artman, Ralinda Ninham-Lamberies, Rae Skenandore, Keith Doxtator, Jameson Wilson. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss the potential emergency adoption of the Oneida Nation Assistance Fund law – as well as review and discuss a proposed draft of this law.

6/1/22 LOC: Motion by Jennifer Webster to add the Oneida Nation Assistance Fund Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Marie Summers. Motion carried unanimously.

Motion by Jennifer Webster to approve the Oneida Nation Assistance Fund law emergency adoption packet and forward to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

6/8/22 OBC: Motion by Marie Summers to adopt resolution entitled 06-08-22-A Emergency Adoption of the Oneida Nation Assistance Fund Law, seconded by David P. Jordan. Motion carried.

7/1/22: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Grace Elliot, Ralinda Ninham-Lamberies, Keith Doxtator, Jameson Wilson, Barbara Webster. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss the communication of the Oneida Nation Assistance Fund and the Elder Assistance Program, specifically how it relates to per capita, and to discuss the application submission period and disbursement timeframe resolutions.

7/6/22 LOC: Motion by Marie Summers to approve the resolution, *Oneida Nation Assistance Fund Application Submission Period and Disbursement Timeframe for 2022*, with noted change and corresponding statement of effect and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

7/13/22 OBC: Motion by David P. Jordan to adopt resolution entitled *07-13-22-C Oneida Nation Assistance Fund Application Submission Period and Disbursement Timeframe for 2022*, seconded by Jennifer Webster. Motion carried.

7/20/22 LOC: Motion by Daniel Guzman King to approve the draft and legislative analysis for the Oneida Nation Assistance Fund law; seconded by Kirby Metoxen. Motion carried unanimously.

7/28/22: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Daniel Guzman King, Kirby Metoxen, Clorissa N. Santiago, Grace Elliott, Carolyn Salutz. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review and discuss the public meeting notice and the GWA payment pictorial.

Next Steps:

- Approve the public meeting packet and forward the Oneida Nation Assistance Fund law to a public meeting to be held on August 25, 2022.

ONEIDA NATION PUBLIC MEETING NOTICE

FRIDAY, SEPTEMBER 2, 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

Ask Questions here

LOC@oneidanation.org

920-869-4417

ONEIDA NATION ASSISTANCE FUND LAW

The purpose of the Oneida Nation Assistance Fund law is to establish the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law.

The Oneida Nation Assistance Fund law will:

- ◆ Establish the Oneida Nation Assistance Fund as an approved program of the Nation in accordance with the Oneida General Welfare law;
- ◆ Provide how this program qualifies for general welfare exclusion;
- ◆ Provide the eligibility requirements for accessing assistance from the Oneida Nation Assistance Fund – which is that a person is a member of the Nation; age eighteen (18) or older; and submits a completed application during the designated submission timeframe;
- ◆ Provide the minimum requirements for the information that must be included on the application;
- ◆ Provide how and when funds from the Oneida Nation Assistance Fund are disbursed;
- ◆ Provide for the types of expenses that shall be considered qualifying expenditures for use of assistance from Oneida Nation Assistance Fund by the recipient;
- ◆ Provide information on the funding source and who determines that amount of available funding to an eligible participant; and
- ◆ Provide that the Trust Enrollment Department is the department that has the responsibilities to administer the Oneida Nation Assistance Fund.

Individuals may attend the public meeting for the proposed Oneida Nation Assistance Fund law in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org

PUBLIC COMMENT PERIOD CLOSSES MONDAY, SEPTEMBER 12, 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 Oneida Nation Assistance Fund law please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



ONEIDA NATION ASSISTANCE FUND LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Law	<ul style="list-style-type: none"> ▪ Establish the Oneida Nation Assistance Fund as an approved program of the Nation in accordance with the Oneida General Welfare law. [10 O.C. 1003.4-1]. ▪ Provide how this program qualifies for general welfare exclusion. [10 O.C. 1003.4-2]. ▪ Provide the eligibility requirements for accessing assistance from the Oneida Nation Assistance Fund – which is that a person is a member of the Nation; age eighteen (18) or older; and submits a completed application during the designated submission timeframe. [10 O.C. 1003.5-1]. ▪ Provide the minimum requirements for the information that must be included on the application. [10 O.C. 1003.5-3]. ▪ Provide how and when funds from the Oneida Nation Assistance Fund are disbursed. [10 O.C. 1003.5-2, 1003.5-4]. ▪ Provide for the types of expenses that shall be considered qualifying expenditures for use of assistance from Oneida Nation Assistance Fund by the recipient. [10 O.C. 1003.5-5]. ▪ Provide information on the funding source and who determines that amount of available funding to an eligible participant. [10 O.C. 1003.6-1, 1003.6-2]. ▪ Provide that the Trust Enrollment Department is the department that has the responsibilities to administer the Oneida Nation Assistance Fund. [10 O.C. 1003.5-6, 1003.5-7].
Purpose	To establish the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law. [10 O.C. 1003.1-1].
Affected Entities	Oneida Business Committee, Trust Enrollment Department
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.
Expiration of Emergency Legislation	The Oneida Nation Assistance Fund law was adopted on an emergency basis on June 8, 2022, through resolution BC-06-08-22-A. The emergency adoption of the Oneida Nation Assistance Fund law will expire on December 8, 2022.

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A. Background.** The Oneida Nation Assistance Fund law (“the Law”) was adopted by the Nation on an
- 3 emergency basis on June 8, 2022, through resolution BC-06-08-22-A for the purpose of establishing
- 4 the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its
- 5 members, pursuant to the Oneida General Welfare law. [10 O.C. 1003.1-1]. The emergency adoption
- 6 of the Law will expire on December 8, 2022.

- 7 B. The adoption of the Law on a permanent basis is now being sought by the Legislative Operating
8 Committee.
9

10 SECTION 3. CONSULTATION AND OUTREACH

- 11 A. Representatives from the following departments or entities participated in the development of this Law
12 and legislative analysis:
13 ▪ Oneida Law Office;
14 ▪ Government Administration Office;
15 ▪ Finance Administration;
16 ▪ Trust Enrollments Department; and
17 ▪ Intergovernmental Affairs and Communications.
18

19 SECTION 4. PROCESS

- 20 A. The development of this Law has followed the process set forth in the Legislative Procedures Act
21 (LPA).
22 ▪ On June 1, 2022, the Legislative Operating Committee added the Law to is Active Files List.
23 ▪ On June 1, 2022, the Legislative Operating Committee approved the Oneida Nation Assistance
24 Fund law emergency adoption packet and forward to the Oneida Business Committee for
25 consideration.
26 ▪ On June 8, 2022, the Oneida Business Committee adopted the Law on an emergency basis
27 through the adoption of resolution BC-06-08-22-A entitled, *Emergency Adoption of the Oneida*
28 *Nation Assistance Fund Law*. The emergency adoption of the Law will expire on December 8,
29 2022.
30 ▪ On July 20, 2022, the Legislative Operating Committee approved the draft and legislative
31 analysis for the Oneida Nation Assistance Fund law.
32 B. At the time this legislative analysis was developed the following work meetings had been held
33 regarding the development of this Law:
34 ▪ May 12, 2022: LOC work meeting.
35 ▪ May 18, 2022: LOC work meeting with the Oneida Law Office, Finance Administration,
36 Budget Analyst, Trust Enrollment Department, and Government Administration Office.
37 ▪ July 1, 2022: LOC work meeting with the Finance Administration, Trust Enrollment
38 Department, Intergovernmental Affairs and Communications, and Government Administration
39 Office.
40 ▪ July 28, 2022: LOC work meeting.
41

42 SECTION 5. CONTENTS OF THE LEGISLATION

- 43 A. *Purpose and Policy*. The purpose of this law is to establish the Oneida Nation Assistance Fund to
44 govern how the Nation provides financial assistance to members, pursuant to the Oneida General
45 Welfare law. [10 O.C. 1003.1-1]. It is the policy of the Nation to prioritize the general welfare needs
46 of its members. [10 O.C. 1003.1-2]. The interests of the Nation are advanced when its members remain
47 confident that their general welfare needs can be met. [10 O.C. 1003.1-2].

- 48 ▪ **Effect.** The overall purpose of this Law is to codify the Nation’s sovereign right to provide
49 assistance to Tribal members on a non-taxable basis through an approved program.
- 50 **B. Establishment.** This Law establishes the Oneida Nation Assistance Fund as an approved program of
51 the Nation in accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1]. The Oneida
52 Nation Assistance Fund meets the requirements of the General Test as defined in the Oneida General
53 Welfare law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements
54 of the Tribal General Welfare Exclusion Act of 2014 26 U.S.C. §139E(b). [10 O.C. 1003.4-1].
- 55 **C. Guidelines and Requirements.** The Law provides guidelines and requirements for the Oneida Nation
56 Assistance Fund. The Oneida Nation Assistance Fund shall be open to any individuals who meet the
57 following criteria: is a member of the Nation; is age eighteen (18) or older; and submits a completed
58 application during the designated submission timeframe [10 O.C. 1003.5-1]. The Oneida Business
59 Committee shall set forth, through the adoption of a resolution, an application submission period and
60 disbursement timeframe for a distribution of assistance from the Oneida Nation Assistance Fund. [10
61 O.C. 1003.5-2]. Any individual seeking assistance from the Oneida Nation Assistance Fund shall
62 submit an application. [10 O.C. 1003.5-3]. The Trust Enrollment Department shall make available an
63 Oneida Nation Assistance Fund application form and instructions. [10 O.C. 1003.5-3(a)]. The Law
64 provides the minimum information that is required to be provided on the application. [10 O.C. 1003.5-
65 3(a)(1)(A)-(I)]. Assistance provided through the Oneida Nation Assistance Fund shall be disbursed in
66 accordance with the timeframe set through resolution by the Oneida Business Committee. [10 O.C.
67 1003.5-4]. Funds from the Oneida Nation Assistance Fund may be disbursed through direct deposit, or
68 check, depending on the selection made on the application by the recipient. [10 O.C. 1003.5-4].
- 69 **D. Qualifying Expenditures.** The Law provides that the following types of expenses shall be considered
70 qualifying expenditures for use of assistance from the Oneida Nation Assistance Fund by the recipient:
- 71 ▪ costs relating to housing needs of principal residences such as:
 - 72 ▪ mortgage payments, rent payments, and down payments;
 - 73 ▪ enhancements for habitability of housing;
 - 74 ▪ basic housing repairs or rehabilitation;
 - 75 ▪ improvements to adapt housing for special health needs;
 - 76 ▪ costs for paying utility bills and charges, including, but not limited to, the following:
 - 77 ▪ water;
 - 78 ▪ electricity;
 - 79 ▪ gas;
 - 80 ▪ basic communication services such as:
 - 81 ▪ phone
 - 82 ▪ internet; and
 - 83 ▪ cable;
 - 84 ▪ costs associated with education, including, but not limited to the following:
 - 85 ▪ transportation to and from school;
 - 86 ▪ tutors;
 - 87 ▪ supplies for use in school activities and extra-curricular activities;
 - 88 ▪ providing tuition or room and board payments;
 - 89 ▪ providing for childcare for parents seeking employment or pursuing education;
 - 90 ▪ job counseling and interviewing expenses;
 - 91 ▪ costs associated with food security;

- 92 ▪ costs associated with home care assistance;
- 93 ▪ costs associated with vehicle payments, maintenance, repair, and insurance;
- 94 ▪ costs associated with medical care and transportation, room, and board costs for seeking
- 95 medical care;
- 96 ▪ funeral and burial expenses and expenses for attending wakes, funerals, burials,
- 97 bereavements, and subsequent honoring events; and
- 98 ▪ costs related to any other emergency circumstance [10 O.C. 1003.5-5].

99 **E. Oversight and Records Maintenance.** The Trust Enrollment Department shall oversee the collection,
100 review, and permitted distribution of funds from the Oneida Nation Assistance Fund to the qualifying
101 recipients and shall be responsible for maintenance of records for the Oneida Nation Assistance Fund.
102 [10 O.C. 1003.5-6, 1003.5-7]. The recipient shall retain receipts for the expenditure of the funds
103 associated with the Oneida Nation Assistance Program. [10 O.C. 1003.5-7].

104 **F. Funding.** The Oneida Nation Assistance Fund shall be funded through the Nation’s annual budget, and
105 by any other funding source deemed necessary by the Oneida Business Committee. [10 O.C. 1003.6-
106 1]. The Oneida Business Committee shall determine the amount of assistance available to an eligible
107 recipient from the Oneida Nation Assistance Fund per any permitted distribution. [10 O.C. 1003.6-2].
108

109 SECTION 6. EXISTING LEGISLATION

- 110 **A. Related Legislation.** The following laws of the Nation are related to this Law:
- 111 ▪ *Oneida General Welfare Law.* The Oneida General Welfare Law governs how the Nation
112 provides assistance to eligible members on a non-taxable basis, pursuant to the principles of
113 the General Welfare Exclusion to Indian Tribal governmental programs that provide benefits
114 to Tribal members. [10 O.C. 1001.1-1].
 - 115 ▪ The Oneida Nation Assistance Fund is hereby established as an approved program of
116 the Nation in accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1].
117 The Oneida Nation Assistance Fund meets the requirements of the General Test as
118 defined in the Oneida General Welfare Law. [10 O.C. 1003.4-2].

120 SECTION 7. OTHER CONSIDERATIONS

121 **A. Deadline for Permanent Adoption of Legislation.** The emergency adoption of this Law will expire six
122 (6) months after adoption on December 8, 2022. The emergency legislation may be renewed for an
123 additional six (6) month period.

- 124 ▪ *Conclusion:* The Legislative Operating Committee will need to consider the development and
125 adoption of this Law on a permanent basis within the next six (6) to twelve (12) months.

126 **A. Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
127 legislation except emergency legislation. [1 O.C. 109.6-1]. Fiscal Impact statements may be prepared
128 by any agency who may receive funding if the legislation is enacted, any agency who may administer
129 a program if the legislation is enacted, any agency who may have financial information concerning the
130 subject matter of the legislation, or by the Finance Office, upon request of the Legislative Operating
131 Committee. [1 O.C. 109.6-1(a)-(b)]. Oneida Business Committee resolution BC-10-28-20-A entitled,
132 *Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act*, provides further
133 clarification on who the Legislative Operating Committee may direct complete a fiscal impact
134 statement at various stages of the legislative process, as well as timeframes for completing the fiscal
135 impact statement.

- 136 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact

137 statement be completed.
138

Title 10. General Welfare Exclusion - Chapter 1003
ONEIDA NATION ASSISTANCE FUND

1003.1. Purpose and Policy
1003.2. Adoption, Amendment, Repeal
1003.3. Definitions
1003.4. Establishment

1003.5. Guidelines and Requirements
1003.6. Funding

1003.1. Purpose and Policy

1003.1-1. *Purpose.* The purpose of this law is to establish the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law.

1003.1-2. *Policy.* It is the policy of the Nation to prioritize the general welfare needs of its members. The interests of the Nation are advanced when its members remain confident that their general welfare needs can be met.

1003.2. Adoption, Amendment, Repeal

1003.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-__.

1003.2-2. 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.

1003.2-3. 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.

1003.2-4. 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.

1003.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1003.3. Definitions

1003.3-1. 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.

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42 **1003.4. Establishment**

43 1003.4-1. *Establishment.* The Oneida Nation Assistance Fund is hereby established as an
44 approved program of the Nation in accordance with the Oneida General Welfare law. The purpose
45 of the Oneida Nation Assistance Fund is to provide financial assistance to members of the Nation
46 to address the general welfare needs of members.

47 1003.4-2. *General Welfare Exclusion.* The Oneida Nation Assistance Fund meets the
48 requirements of the General Test as defined in the Oneida General Welfare law; General Criteria
49 as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements of the Tribal General
50 Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the Oneida
51 Nation Assistance Fund is:

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

61

62 **1003.5. Guidelines and Requirements**

63 1003.5-1. *Eligibility.* The Oneida Nation Assistance Fund shall be open to any individual who
64 meets the following criteria:

- 65 (a) is a member of the Nation;
- 66 (b) is age eighteen (18) or older; and
- 67 (c) submits a completed application during the designated submission timeframe.

68 1003.5-2. *Distribution Period.* The Oneida Business Committee shall set forth through the
69 adoption of a resolution an application submission period and disbursement timeframe for a
70 distribution of assistance from the Oneida Nation Assistance Fund.

71 1003.5-3. *Application for Funds.* Any individual seeking assistance from the Oneida Nation
72 Assistance Fund shall submit an application.

73 (a) The Trust Enrollment Department shall make available an Oneida Nation Assistance
74 Fund application form and instructions.

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

- 76 (A) first, middle, and last name;
- 77 (B) date of birth;
- 78 (C) street address, city, state, zip code;
- 79 (D) phone number;
- 80 (E) e-mail address;
- 81 (F) enrollment number;
- 82 (G) bank account information for direct deposit if necessary;
- 83 (H) declaration from the applicant that their need exists, and all information
84 provided therein is accurate and in accordance with the laws of the Nation
85 and federal law; and
- 86 (I) signature of the applicant, electronic or handwritten, affirming the

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87 declaration.

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

91 (b) Applicants shall complete and return the Oneida Nation Assistance Fund application
92 form to the Trust Enrollment Department by the deadline set through resolution by the
93 Oneida Business Committee in order to be eligible for assistance from the Oneida Nation
94 Assistance Fund.

95 (1) The information provided in the Oneida Nation Assistance Fund application
96 form may be provided to any department, division, or personnel that processes the
97 applications.

98 1003.5-4. *Disbursement of Funds.* Assistance provided through the Oneida Nation Assistance
99 Fund shall be disbursed in accordance with the timeframe set through resolution by the Oneida
100 Business Committee. Funds from the Oneida Nation Assistance Fund may be disbursed through
101 direct deposit, or check, depending on the selection made on the application by the recipient.

102 1003.5-5. *Qualifying Expenditures.* The following types of expenses shall be considered
103 qualifying expenditures for use of assistance from the Oneida Nation Assistance Fund by the
104 recipient:

- 105 (a) costs relating to housing needs of principal residences such as:
- 106 (1) mortgage payments, rent payments, and down payments;
 - 107 (2) enhancements for habitability of housing;
 - 108 (3) basic housing repairs or rehabilitation;
 - 109 (4) improvements to adapt housing for special health needs;
- 110 (b) costs for paying utility bills and charges, including, but not limited to, the following:
- 111 (1) water;
 - 112 (2) electricity;
 - 113 (3) gas;
 - 114 (4) basic communication services such as:
 - 115 (A) phone;
 - 116 (B) internet; and
 - 117 (C) cable;
- 118 (c) costs associated with education including, but not limited to:
- 119 (1) transportation to and from school;
 - 120 (2) tutors;
 - 121 (3) supplies for use in school activities and extra-curricular activities;
 - 122 (4) providing tuition or room and board payments;
 - 123 (5) providing for childcare for parents seeking employment or pursuing education;
 - 124 (6) job counseling and interviewing expenses.
- 125 (d) costs associated with food security;
- 126 (e) costs associated with home care assistance;
- 127 (f) costs associated with vehicle payments, maintenance, repair, and insurance;
- 128 (g) costs associated with medical care and transportation, room, and board costs for
129 seeking medical care;
- 130 (h) funeral and burial expenses and expenses for attending wakes, funerals, burials,
131 bereavements, and subsequent honoring events; and

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132 (i) costs related to any other emergency circumstance.

133 1003.5-6. *Oversight*. The Trust Enrollment Department shall oversee the collection, review, and
134 permitted distribution of funds from the Oneida Nation Assistance Fund to the qualifying
135 recipients.

136 1003.5-7. *Records Maintenance*. The Trust Enrollment Department shall be responsible for
137 maintenance of records for the Oneida Nation Assistance Fund. The recipient shall retain receipts
138 for the expenditure of the funds associated with the Oneida Nation Assistance Fund.

139

140 **1003.6. Funding**

141 1003.6-1. *Funding Source*. The Oneida Nation Assistance Fund shall be funded through the
142 Nation’s annual budget, and by any other funding source deemed necessary by the Oneida
143 Business Committee.

144 1003.6-2. *Amount of Available Funding*. The Oneida Business Committee shall determine the
145 amount of assistance available to an eligible recipient from the Oneida Nation Assistance Fund
146 per any permitted distribution.

147

148 *End.*

149

151 Emergency Adopted – BC-06-08-22-A

152 Adopted – BC-__-__-__-__



Legislative Operating Committee FY2022 Third Quarter Report

Work completed April 1, 2022 – June 30, 2022

Active Files List As of 6/30/2022

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
Audit Committee Bylaws Amendments	●		●
Budget Management and Control Law Amendments	●		●
Business Corporations Law	●		
Children’s Code Amendments	●	●	
Code of Ethics Law Amendments	●		
Community Support Fund Law Amendments	●		●
Credit Collections Law Amendments	●		
Drug and Alcohol-Free Law for Elected and Appointed Officials	●		
Early Return to Work Law Emergency Amendments <i>Emerg. Expired 11/12/21</i>	●		●
Election Law Emergency Amendments <i>Emerg. Expired 10/28/21</i>	●		●
Elder Assistance Program Law	●	●	
Emergency Management and Homeland Security Law Amendments	●		●
Endowments Law	●		
Environmental Review Law	●		
Fire Signs Law	●		
Furlough Law Amendments	●		●
GTC Meeting Stipends Payment Policy Emergency Amendments <i>Emerg. Expired 4/8/21</i>	●		●
Guardianship Law	●		
Industrial Hemp Law	●		●
Investigative Leave Policy Amendments	●		
Law Enforcement Ordinance Amendments	●		
Layoff Policy Amendments	●		
Local Land Use Regulation Reimbursement Policy Repeal	●	●	
Marijuana Law	●		
Misappropriations of Funds Law	●		
Oneida General Welfare Law	●		●
Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments <i>Emerg. Expired 8/24/21</i>	●		●
Oneida Land Trust Law	●		
Oneida Language Code	●		
Oneida Nation Arts Board Bylaws Amendments	●		●
Oneida Nation Assistance Fund Law <i>Emerg. Expires 12/8/22</i>	●		●
Oneida Nation Emergency Planning Committee Bylaws	●		

Oneida Nation Gaming Ordinance Amendments	
Oneida Nation Veterans Affairs Committee Bylaws Amendments	
Oneida Personnel Policies and Procedures Amendments Emerg. Expires 11/11/22	
Oneida Worker's Compensation Law Emergency Amendments Emerg. Expires 11/12/21	
Oneida Trust Enrollment Committee Bylaws	
Pandemic Relief Assistance Law Emerg. Expired 5/24/21	
Pardon and Forgiveness Law Emergency Amendments Emerg. Expires 4/28/22	
Pardon and Forgiveness Screening Committee Bylaws Amendments	
Public Peace Law	
Real Property Law Amendments	
Recycling and Solid Waste Disposal Law Amendments	
Sanctions and Penalties Law	
Taxation Law	
Traffic Law	
Tribal Sovereignty in Data Research Law	
Wellness Court Law	
Workplace Violence Law Amendments	

Legislative Operating Committee Action on Legislative Requests

During the FY22 Third Quarter the Legislative Operating Committee added two (2) legislative items to its Active Files List. No requests were denied during the FY22 Third Quarter. One request was tabled.

Items Added to the Active Files List by the Legislative Operating Committee

On May 18, 2022, the Legislative Operating Committee added the Oneida Language Code to its Active Files List.

Then on June 1, 2022, the Legislative Operating Committee added the Oneida Nation Assistance Fund law to its Active Files List.

On April 6, 2022, the Legislative Operating Committee tabled the request to add the Oneida Land Claims Commission Bylaws Amendments to the Active Files List.

FY22 Third Quarter Legislative Accomplishments

The Legislative Operating Committee brought forward the following legislation for adoption or amendment during the FY22 Third Quarter:

Oneida Personnel Policies and Procedures Emergency Amendments

Emergency amendments to the Oneida Personnel Policies and were adopted by the Oneida Business Committee on November 24, 2021, through the adoption of resolution BC-11-24-21-A to improve the Nation's hiring capacity and service delivery in the tight labor markets that have

resulted from the COVID-19 pandemic. The emergency amendments to the Oneida Personnel Policies and Procedures:

- Required that all applications for employment with the Nation be submitted online;
- Eliminated the requirement that a position vacancy be posted twice with the first posting open to enrolled members of the Nation only and the second posting open to the general public;
- Required that applicants who are enrolled members of the Oneida Nation be screened and interviewed prior to any other applicants;
- Allowed for a supervisor to choose between the next two (2) ranked applicants if the first choice refuses the position offer;
- Required an employee who is transferred to continue serving in their present position until a replacement can be found, for a period up to thirty (30) days;
- Removed the requirement that an employee completes one (1) year of service to the Nation before being eligible for a transfer;
- Clarified that an employee shall be required to undergo an original probation period for three (3) months after being hired, transferred, or reassigned to a new position;
- Removed the provision that provided probationary employees be paid at five percent (5%) below the posted pay rate for the position; and
- Made other revisions throughout Section III of the Oneida Personnel Policies and Procedures to simplify and clarify language to make the hiring selection process more efficient.

These emergency amendments to the Oneida Personnel Policies and Procedures were set to expire on May 24, 2022.

It was determined necessary to seek additional emergency amendments to the Oneida Personnel Policies and Procedures to clarify inconsistencies that arose as a result of the last emergency amendments. The Oneida Business Committee then adopted additional emergency amendments to the Oneida Personnel Policies and Procedures on May 11, 2022, through the adoption of resolution BC-05-11-22-A which maintained the current emergency amendments and also:

- Clarified that termination of an employee for cause during their original probationary period shall not be subject to appeal; and
- Clarified that employees who are terminated during their original probation period shall not be paid for any unused accrued vacation or personal days in their final paycheck.

These emergency amendments to the Oneida Personnel Policies and Procedures will expire on November 11, 2022.

Budget Management and Control Law Amendments

The Budget Management and Control law sets forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation's budget. [1 O.C. 121.1-1]. On November 24, 2020, the Oneida Business Committee adopted emergency amendments to the Law in response to the COVID-19 pandemic to provide that in the event that the Nation proclaims an emergency, in accordance with the Emergency

Management law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [1 O.C. 121.5-3(b)(1)]. These emergency amendments were set to expire on May 24, 2021.

The Oneida Business Committee then adopted additional emergency amendments to the Budget Management and Control law on May 12, 2021, to address the Nation's non-compliance with the budget development process and deadlines contained in the law. The emergency amendments to the Budget Management and Control law removed much of the details of the budget process, requirements, and deadlines, and instead provided that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the Oneida Business Committee. The Oneida Business Committee adopted the emergency amendments to the law on May 12, 2021, through resolution BC-05-12-21-C. The emergency amendments to the Budget Management and Control law were set to expire on November 12, 2021.

The Oneida Business Committee extended the emergency amendments to the Budget Management and Control law for an additional six (6) month period on November 10, 2021, through the adoption of resolution BC-11-10-21-B. The emergency amendments to the Budget Management and Control law were then set to expire on May 12, 2022.

The Oneida Business Committee then sought the adoption of permanent amendments to the Budget Management and Control law which would:

- Revise the name of this law from Budget Management and Control Law to *Budget and Finances Law*;
- Expand the purpose and policy of this Law to address other financial policies and procedures for the Nation beyond just the budget process;
- Eliminate the strategic planning provisions from this Law, instead providing simply that the Oneida Business Committee should develop and adopt a strategic plan, broad goals, or priorities for the Nation that the budget shall reflect;
- Clarify the authority and responsibilities of those individuals who play a part in the Nation's budget process;
- Simplify the budget process and procedure contained in the Law to improve the Nation's compliance with the Law and provide more flexibility to adjust the budget development and adoption procedure to meet the Nation's current circumstances;
- Include new provisions which address:
 - unbudgeted expenditures;
 - obligated future expenditures;
 - capital contributions;
 - grants;
 - debt;
 - employment and labor allocations; and
 - unbudgeted positions.

The Oneida Business Committee adopted permanent amendments to the Budget Management and Control law, now known as the Budget and Finances law, on May 11, 2022, through the adoption

of resolution BC-05-11-22-B. The amendments to the Budget Management and Control law became effective on May 12, 2022.

Oneida Nation Gaming Ordinance Amendments

The Oneida Business Committee adopted emergency amendments to the Oneida Nation Gaming Ordinance (ONGO) on May 12, 2021, through the adoption of resolution BC-05-12-21-D to protect the Nation against exposure to litigation and/or legal claims relating to ONGO's placement of the Gaming Security Department within the Nation's organizational structure. Specifically, the emergency amendments removed an avenue for potential liability that has been raised with respect to Security being placed within the Oneida Police Department under section 501.9-1 of the law. [5 O.C. 501.9-1]. The emergency amendments to ONGO re-assigned Security to the Oneida Business Committee to expeditiously dispose of any legal risks associated with its current placement. These emergency amendments to the ONGO were set to expire on November 12, 2021.

The Oneida Business Committee then extended the emergency amendments to ONGO for an additional six (6) month period on November 10, 2021, through the adoption of resolution BC-11-10-21-A. The emergency amendments to ONGO were then set to expire on May 12, 2022.

On May 11, 2022, the Oneida Business Committee adopted permanent amendments to the ONGO through the adoption of resolution BC-05-11-22-C which removed the legal risks associated with the ONGO's placement of the Gaming Security Department under the Oneida Police Department within the Nation's organizational structure by temporarily re-assigning Security to the Oneida Business Committee while a more appropriate permanent placement is being developed and vetted; and made other non-material changes to certain language within the ONGO that brought the drafting of the ONGO up to date with the Nation's current practices.

Emergency Adoption of the Oneida Nation Assistance Fund Law

On June 8, 2022, the Oneida Business Committee adopted the Oneida Nation Assistance Fund law on an emergency basis through the adoption of resolution BC-06-08-22-A. The Oneida Nation Assistance Fund law establishes the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law. [10 O.C. 1003.1-1]. The Oneida Nation Assistance Fund law will:

- Establish the Oneida Nation Assistance Fund as an approved program of the Nation in accordance with the Oneida General Welfare law;
- Provide how this program qualifies for general welfare exclusion;
- Provide the eligibility requirements for accessing assistance from the Oneida Nation Assistance Fund – which is that a person is a member of the Nation; age eighteen (18) or older; and submits a completed application during the designated submission timeframe;
- Provide the minimum requirements for the information that must be included on the application;
- Provide how and when funds from the Oneida Nation Assistance Fund are disbursed;
- Provide for the types of expenses that shall be considered qualifying expenditures for use of assistance from Oneida Nation Assistance Fund by the recipient;
- Provide information on the funding source and who determines that amount of available funding to an eligible participant; and

- Provide that the Trust Enrollment Department is the department that has the responsibilities to administer the Oneida Nation Assistance Fund.

The emergency adoption of the Oneida Nation Assistance Fund law will expire on December 8, 2022.

FY22 Third Quarter Legislative Highlights

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY22 Third Quarter:

Business Corporations Law

The Legislative Operating Committee held three (3) work meetings during the FY22 Third Quarter on the proposed Business Corporations law.

Children's Code Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed amendments to the Children's Code. The work meeting was held in collaboration with the Oneida Law Office, Indian Child Welfare Department, and the Oneida Family Court. On April 20, 2022, the Legislative Operating Committee approve the draft of the Children's Code amendments and direct that a legislative analysis be developed. Then on May 4, 2022, the Legislative Operating Committee approved the updated draft and the legislative analysis for Children's Code amendments. On May 18, 2022, the Legislative Operating Committee approved the public meeting packet and forwarded the Children's Code amendments to a public meeting to be held on June 15, 2022. No individuals provided public comment during the public meeting. The public comment period was then held open until June 22, 2022. One (1) submission of written comments were received during the public comment period.

Elder Assistance Program Law

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed Elder Assistance Program law. On April 20, 2022, the Legislative Operating Committee approved the legislative analysis and public meeting packet and forwarded the Elder Assistance Program law to a public meeting to be held on May 18, 2022. Three (3) individuals provided public comment during the public meeting. The public comment period was then held open until May 25, 2022. Three (3) submissions of written comments were received during the public comment period. On June 1, 2022, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration. On June 15, 2022, the Legislative Operating Committee approved the updated public comment review memorandum [with noted change], draft, legislative analysis, and fiscal impact statement request memorandum, and forwarded these items to the Finance Department directing that a fiscal impact statement be prepared and submitted by July 14, 2022.

Healing to Wellness Court Law

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the Healing to Wellness Court law. On May 4, 2022, the Legislative Operating Committee held a public meeting on the proposed Healing to Wellness Court law. Two (2) individuals provided

public comment during the public meeting. The public comment period was then held open until May 11, 2022. One (1) submission of written comments was received during the public comment period. On May 18, 2022, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration. On June 1, 2022, the Legislative Operating Committee approved the updated public comment review memorandum, draft, and updated legislative analysis; and approved the fiscal impact statement request memorandum and forwarded these items to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by June 15, 2022. The Legislative Operating Committee then subsequently agreed to amend the due date of this fiscal impact statement for the Healing to Wellness Court law to June 29, 2022, at the request of Finance. The fiscal impact statement was received from the Finance Administration on June 29, 2022.

Law Enforcement Ordinance Amendments

The Legislative Operating Committee held one (1) work meetings during the FY22 Third Quarter on the proposed amendments to the Law Enforcement Ordinance.

Marijuana Law

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed Marijuana law.

Real Property Law Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed amendments to the Real Property law.

Traffic Law

The Legislative Operating Committee held three (3) work meetings during the FY22 Third Quarter on the proposed Traffic law.

FY22 Third Quarter Legislative Operating Committee Meetings

Typically, all Legislative Operating Committee meetings are open to the public and held on the first and third Wednesday of each month, at 9:00 a.m. in the Norbert Hill Center's Business Committee Conference Room.

The Legislative Operating Committee held the following meetings during the FY22 Third Quarter:

- April 6, 2022 – Regular meeting;
- April 20, 2022 – Regular meeting;
- May 4, 2022 – Regular meeting;
- May 18, 2022 – Regular meeting;
- June 1, 2022 – Regular meeting; and
- June 15, 2022 – Regular meeting.

In addition to attending the Legislative Operating Committee meetings in person, employees of the Nation are provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. Additionally, any non-employee who would like to access the Legislative Operating Committee meeting through Microsoft Teams can provide their name, phone number or e-mail address to LOC@oneidanation.org by the close of business the day before

a meeting of the Legislative Operating Committee to receive the link to the Microsoft Teams meeting. For those who may be unable to attend the Legislative Operating Committee meeting either in person or on Microsoft Teams, an audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes.

Goals for FY22 Fourth Quarter

During the FY22 Fourth Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Adoption of the Elder Assistance Program law;
2. Adoption of the Healing to Wellness Court law;
3. Development of permanent amendments to the Oneida Personnel Policies and Procedures;
4. Public meeting for the permanent adoption of the Oneida Nation Assistance Fund law;
5. Development of amendments to the Real Property law;
6. Development of the Marijuana law;
7. Development of the Traffic law;
8. Development of the Business Corporations law; and
9. Development of the Oneida Language Code.

Legislative Reference Office

The Legislative Reference Office's mission is to provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects the Nation's values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty. During the FY22 Third Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Santiago, Senior Legislative Staff Attorney.
 - Contact: csantial@oneidanation.org or (920) 869-4417
- Carolyn Salutz, Legislative Staff Attorney.
 - Carolyn was welcomed to the Legislative Reference Office on June 6, 2022.
 - Contact: csalutz@oneidanation.org or (920) 869-4422
- Grace Elliot, Legislative Staff Attorney.
 - Grace was welcomed to the Legislative Reference Office on June 6, 2022.
 - Contact: gelliott@oneidanation.org or (920) 869-4320
- Carmen Vanlanen, Legislative Analyst.
 - Carmen ended her employment with the Legislative Reference Office on April 20, 2022.

Legislative Operating Committee Contact Information

Feel free to contact the LOC at LOC@oneidanation.org with any questions or comments, or individual LOC members at the following:

- David Jordan, LOC Chairman
djordan1@oneidanation.org
- Kirby Metoxen, LOC Vice-Chairman
kmetox@oneidanation.org
- Jennifer Webster, LOC Member
jwebstel@oneidanation.org
- Daniel Guzman King, LOC Member
dguzman@oneidanation.org
- Marie Summers, LOC Member
esummer1@oneidanation.org



July 25, 2022 Legislative Operating Committee E-Poll

Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy

E-POLL REQUEST: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy



LOC

To David P. Jordan; Kirby W. Metoxen; Ethel M. Summers; Jennifer A. Webster; Daniel P. Guzman

Cc Rhiannon R. Metoxen; Kristal E. Hill; Clorissa N. Santiago

Vote by clicking Vote in the Respond group above.
This message was sent with High importance.

Reply Reply All Forward

Mon 7/25/2022 10:11 AM

Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy Packet.pdf
822 KB

Good Morning Legislative Operating Committee,

This e-mail serves as the e-poll for the approval of the Oneida General Tribal Council Ten Day Notice Policy emergency amendments adoption materials.

EXECUTIVE SUMMARY

An emergency amendment to the Oneida General Tribal Council Ten Day Notice Policy is being sought. The 2022 Special Election is currently scheduled for July 16, 2022. On average the Nation spends a total of four hundred sixty-four thousand dollars (\$464,000) on a year on printing and mailing materials for General Tribal Council meetings. Since January 2020, many, if not all, activities and interaction with the Oneida Nation, as well as with other local, state and federal government agencies, have moved to electronic access and the comfort level and abilities of individuals to utilize these resources has been further increased. As a method to reduce costs while maintaining accessibility, the Oneida Business Committee believes moving to electronic delivery of meeting materials will provide a consistent, early, and inexpensive way to allow every member access to meeting materials.

The proposed emergency amendments to the Oneida General Tribal Council Ten Day Notice Policy replace the provisions of section 110.5 Notice to Membership with a provision that provides that all materials developed for a General Tribal Council meeting shall be posted to the Oneida Nation's Members' Only website at least ten (10) calendar days prior to the meeting and no mailing of those materials shall be required. [1 O.C. 110.5-1].

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendment to the Oneida General Tribal Council Ten Day Notice Policy is necessary for the preservation of the general welfare of the Reservation population to ensure that the resources of the Nation are preserved to continue the provision of services to members to meet their needs in food, employment, education, health care, and housing.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendment to the Oneida General Tribal Council Ten Day Notice Policy would be contrary to public interest since the Nation continues to face budgeting issues resulting from the 2020 closure of enterprises,

the economic downturn that resulted from the early pandemic impacts and the slow recovery from that, and the current inflation/recession crises that the Nation is grappling to control.

The adoption of the emergency amendment to the Oneida General Tribal Council Ten Day Notice Policy will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendment to the Oneida General Tribal Council Ten Day Notice Policy will remain effective for six (6) months. The Legislative Procedures Act provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. [1 O.C. 109.9-5(b)].

Attached to this e-poll please find the following materials:

- Emergency Adoption Memo;
- Resolution, *Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy*;
- Statement of effect;
- Legislative Analysis;
- Draft (Redline); and
- Draft (Clean).

The LOC is now being asked to add the Oneida General Tribal Council Ten Day Notice Policy emergency amendments to the Active Files List and approve by e-poll the Oneida General Tribal Council Ten Day Notice Policy emergency amendment adoption packet and forward to the Oneida Business Committee for consideration.

An e-poll is necessary for this matter because the next Legislative Operating Committee meeting is not until August 3, 2022, and it is intended that these materials be included on the agenda for the July 27, 2022, Oneida Business Committee meeting.

REQUESTED ACTION

- Add the Oneida General Tribal Council Ten Day Notice Policy emergency amendments to the Active Files List with David P. Jordan as the sponsor, and approve the Oneida General Tribal Council Ten Day Notice Policy emergency amendments adoption packet and forward to the Oneida Business Committee for consideration.

DEADLINE FOR RESPONSE

July 25, 2022 at 4:00 p.m.

All supporting documentation has been attached to this email for your convenience.



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

E-POLL RESULTS:

This e-poll failed. The e-poll was opposed by Marie Summers, Daniel Guzman King, and Jennifer Webster. David P. Jordan and Kirby Metoxen did not provide a response.

RE: E-POLL REQUEST: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy



Ethel M. Summers

To: LOC; David P. Jordan; Kirby W. Metoxen; Jennifer A. Webster; Daniel P. Guzman
Cc: Rhiannon R. Metoxen; Kristal E. Hill; Clorissa N. Santiago

Reply Reply All Forward ...
Mon 7/25/2022 10:49 AM

Oppose. For the Record-Not all Oneida enrolled citizens have the internet or computer devices to log on and read 99+ pages (or less) of the Semi-Annual or Annual Report. I would reconsider my opposition if there was an option which allowed Oneida enrolled citizens to request a hard copy (individually) after it was posted on the website.

Yaw'ko,
Marie Summers
Councilwoman
Oneida Business Committee



RE: E-POLL REQUEST: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy



Daniel P. Guzman

To: LOC; David P. Jordan; Kirby W. Metoxen; Ethel M. Summers; Jennifer A. Webster
Cc: Rhiannon R. Metoxen; Kristal E. Hill; Clorissa N. Santiago

Reply Reply All Forward ...
Mon 7/25/2022 12:43 PM

Oppose. There needs to be a transition plan with options such as: 1st year promote and educate tribal member on how to use/access the information online and opt out of mailings. 2nd year everyone automatically goes online with an option to sign up for paper mailings or personal emailings.

RE: E-POLL REQUEST: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy




Jennifer A. Webster

To: LOC; David P. Jordan; Kirby W. Metoxen; Ethel M. Summers; Daniel P. Guzman
Cc: Rhiannon R. Metoxen; Kristal E. Hill; Clorissa N. Santiago

Reply Reply All Forward ...
Mon 7/25/2022 1:26 PM

Oppose.
This is not an emergency that will effect the Health Safety + Welfare of our community. It should go thru the regular process for community input.
Thanks,
Jenny



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: July 27, 2022
RE: Adoption of Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy

Please find the following attached backup documentation for your consideration of emergency amendments to the Oneida General Tribal Council Ten Day Notice Policy:

1. Resolution: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy
2. Statement of Effect: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy
3. Oneida General Tribal Council Ten Day Notice Policy Emergency Amendment Legislative Analysis
4. Oneida General Tribal Council Ten Day Notice Policy Emergency Amendment Draft (Redline)
5. Oneida General Tribal Council Ten Day Notice Policy Emergency Amendment (Clean)

Overview

An emergency amendment to the Oneida General Tribal Council Ten Day Notice Policy is being sought. The Oneida General Tribal Council Ten Day Notice Policy governs how the General Tribal Council will be noticed of regular or special business to be conducted or action taken at a General Tribal Council meeting. [1 O.C. 110.1-1]. The emergency amendment to the Law will replace the provisions of section 110.5 *Notice to Membership* with a provision that provides that all materials developed for a General Tribal Council meeting shall be posted to the Oneida Nation's Members' Only website at least ten (10) calendar days prior to the meeting and no mailing of those materials shall be required. [1 O.C. 110.5-1]

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

On average the Nation spends a total of four hundred sixty-four thousand dollars (\$464,000) on a year on printing and mailing materials for General Tribal Council meetings. Since January 2020, many, if not all, activities and interaction with the Oneida Nation, as well as with other local, state and federal government agencies, have moved to electronic access and the comfort level and abilities of individuals to utilize these resources has been further increased. As a method to reduce costs while maintaining accessibility, the Oneida Business Committee believes moving to

electronic delivery of meeting materials will provide a consistent, early, and inexpensive way to allow every member access to meeting materials.

The emergency amendment to the Oneida General Tribal Council Ten Day Notice Policy is necessary for the preservation of the general welfare of the Reservation population to ensure that the resources of the Nation are preserved to continue the provision of services to members to meet their needs in food, employment, education, health care, and housing.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendment to the Election law would be contrary to public interest since the Nation continues to face budgeting issues resulting from the 2020 closure of enterprises, the economic downturn that resulted from the early pandemic impacts and the slow recovery from that, and the current inflation/recession crises that the Nation is grappling to control.

The adoption of the emergency amendments to the Oneida General Tribal Council Ten Day Notice Policy will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments to the Oneida General Tribal Council Ten Day Notice Policy will remain effective for six (6) months. The Legislative Procedures Act provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. [*1 O.C. 109.9-5(b)*].

Requested Action

Approve the Resolution: Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
2 recognized by the laws of the United States of America; and
3
- 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
5
- 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
8
- 9 **WHEREAS,** the Oneida General Tribal Council Ten Day Notice Policy (“the Law”) was adopted by the
10 General Tribal Council on March 4, 1991, for the purpose of providing how the General
11 Tribal Council will be noticed of regular or special business to be conducted or action taken
12 at a General Tribal Council meeting; and
13
- 14 **WHEREAS,** the Oneida Business Committee is responsible for scheduling and producing meeting
15 materials for General Tribal Council meetings; and
16
- 17 **WHEREAS,** on average, the cost of producing meeting materials for General Tribal Council meeting is
18 fifty-eight thousand dollars (\$58,000) per meeting, and at eight (8) meetings per year, this
19 is a total of four hundred sixty-four thousand dollars (\$464,000) on average spent printing
20 and mailing materials; and
21
- 22 **WHEREAS,** the Oneida Business Committee has placed resolutions, minutes, and packets for Oneida
23 Business Committee meetings online for many years, and access to General Tribal Council
24 meeting packets, minutes, and resolutions have also been placed online for access to
25 current meetings and research of past meeting actions; and
26
- 27 **WHEREAS,** the Law does not take into account the general availability of online access to information
28 and resources of the Oneida Nation; and
29
- 30 **WHEREAS,** as a method to reduce costs while maintaining accessibility, the Oneida Business
31 Committee believes moving to electronic delivery of meeting materials will provide a
32 consistent, early, and inexpensive way to allow every member access to meeting materials;
33 and
34
- 35 **WHEREAS,** since January 2020, many, if not all, activities and interaction with the Oneida Nation, as
36 well as with other local, state and federal government agencies, have moved to electronic
37 access and the comfort level and abilities of individuals to utilize these resources has been
38 further increased through the on-line application processes for many General Welfare
39 Assistance programs; and
40
- 41 **WHEREAS,** an emergency amendment to the Law is being sought to replace the provisions of section
42 110.5 Notice to Membership with a provision that provides that all materials developed for
43 a General Tribal Council meeting shall be posted to the Oneida Nation’s Members’ Only

44 website at least ten (10) calendar days prior to the meeting and no mailing of those
45 materials shall be required; and
46

47 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
48 legislation on an emergency basis, to be in effect for a period of six (6) months, renewable
49 for an additional six (6) months; and
50

51 **WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the
52 immediate preservation of the public health, safety, or general welfare of the Reservation
53 population, and the amendment of the legislation is required sooner than would be possible
54 under the Legislative Procedures Act; and
55

56 **WHEREAS,** the emergency adoption of the amendments to the Law are necessary for the preservation
57 of the general welfare of the Reservation population to ensure that the resources of the
58 Nation are preserved to continue the provision of services to members to meet their needs
59 in food, employment, education, health care, and housing; and
60

61 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of these
62 amendments would be contrary to public interest since the Nation continues to face
63 budgeting issues resulting from the 2020 closure of enterprises, the economic downturn
64 that resulted from the early pandemic impacts and the slow recovery from that, and the
65 current inflation/recession crises that the Nation is grappling to control; and
66

67 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
68 when considering emergency legislation; and
69

70 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency
71 amendments to the Oneida General Tribal Council Ten Day Notice Policy effective immediately.



Statement of Effect

Emergency Amendments to the Oneida General Tribal Council Ten Day Notice Policy

Summary

This resolution adopts emergency amendments to the Oneida General Tribal Council Ten Day Notice Policy to provide that all materials developed for a General Tribal Council meeting shall be posted to the Oneida Nation's Members' Only website at least ten (10) calendar days prior to the meeting and no mailing of those materials shall be required.

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

Date: July 25, 2022

Analysis by the Legislative Reference Office

This resolution adopts an emergency amendment to the Oneida General Tribal Council Ten Day Notice Policy ("the Law"). The Law provides how the General Tribal Council will be noticed of regular or special business to be conducted or action taken at a General Tribal Council meeting. [1 O.C. 110.1-1]. The emergency amendment to the Law will replace the provisions of section 110.5 *Notice to Membership* with a provision that provides that all materials developed for a General Tribal Council meeting shall be posted to the Oneida Nation's Members' Only website at least ten (10) calendar days prior to the meeting and no mailing of those materials shall be required. [1 O.C. 110.5-1]

The Legislative Procedures Act ("the LPA") was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5]. A public meeting and fiscal impact statement are not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].

The resolution provides that the emergency amendment to the Law is necessary for the preservation of the general welfare of the Reservation population to ensure that the resources of the Nation are preserved to continue the provision of services to members to meet their needs in food, employment, education, health care, and housing.

Additionally, observance of the requirements under the LPA for the adoption of the amendment to the Law would be contrary to public interest since the Nation continues to face budgeting issues resulting from the 2020 closure of enterprises, the economic downturn that resulted from the early pandemic impacts and the slow recovery from that, and the current inflation/recession crises that the Nation is grappling to control.

The adoption of the emergency amendment to the Law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendment to the Law will remain effective for six (6) months. The LPA provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. [1 O.C. 109.9-5(b)].

Conclusion

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



ONEIDA GENERAL TRIBAL COUNCIL TEN DAY NOTICE POLICY EMERGENCY AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	Provide that all materials developed for a General Tribal Council meeting shall be posted to the Oneida Nation’s Members’ Only website at least ten (10) calendar days prior to the meeting and no mailing of those materials shall be required. [1 O.C. 110.5-1]
Purpose	To govern how the General Tribal Council will be noticed of regular or special business to be conducted or action taken at a General Tribal Council meeting. [1 O.C. 110.1-1]
Affected Entities	Oneida Business Committee, General Tribal Council.
Public Meeting	A public meeting is not required for emergency legislation [1 O.C. 109.8-1(b) and 109.9-5(a)].
Fiscal Impact	A fiscal impact statement is not required for emergency legislation [1 O.C. 109.9-5(a)].
Expiration of Emergency Legislation	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period.

SECTION 2. LEGISLATIVE DEVELOPMENT

1
2 **A. Background.** The Oneida General Tribal Council Ten Day Notice Policy (“the Law”) was adopted by
3 the General Tribal Council on March 4, 1991, for the purpose of providing how the General Tribal
4 Council will be noticed of regular or special business to be conducted or action taken at a General Tribal
5 Council meeting.
6

SECTION 3. CONSULTATION AND OUTREACH

- 7
8 • Representatives from the following departments or entities participated in the development of this Law
9 and legislative analysis:
10 ▪ Oneida Law Office.
11

SECTION 4. PROCESS

12
13 **A.** These amendments are being considered on an emergency basis. The Oneida Business Committee may
14 temporarily enact an emergency legislation where legislation is necessary for the immediate
15 preservation of public health, safety, or general welfare of the Reservation population and enactment,
16 or amendment of legislation is required sooner than would be possible under this law. [1 O.C. 109.9-
17 5].
18 ▪ The emergency adoption of amendments to this Law are necessary for the preservation of the
19 general welfare of the Reservation population in order to ensure that the resources of the Nation

20 are preserved to continue the provision of services to members to meet their needs in food,
21 employment, education, health care, and housing.

- 22 ■ Observance of the requirements under the Legislative Procedures Act for adoption of the
23 emergency amendments to this Law would be contrary to public interest since the Nation continues
24 to face budgeting issues resulting from the 2020 closure of enterprises, the economic downturn that
25 resulted from the early pandemic impacts and the slow recovery from that, and the current
26 inflation/recession crises that the Nation is grappling to control.

27 **B.** The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for a
28 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].

29 **C.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
30 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact
31 statement will eventually be required when considering permanent adoption of this Law.

32 **D.** The Legislative Operating Committee added these emergency amendments to the Active Files List on
33 July 25, 2022.

34 35 **SECTION 5. CONTENTS OF THE LEGISLATION**

36 **D. Notice to Membership.** The proposed emergency amendments provides that all materials developed
37 for a General Tribal Council meeting shall be posted to the Oneida Nation’s Members’ Only website
38 at least ten (10) calendar days prior to the meeting and no mailing of those materials shall be required.
39 [1 O.C. 110.5-1]. This emergency amendment is replacing all former provisions of section 110.5 Notice
40 to Membership. Previously, the provisions in section 110.5 provided that the Tribal Secretary shall
41 provide adequate copies for the GTC meeting and notice of all actions to be introduced shall be posted
42 on defined Places of Prominence. The Tribal Secretary was required to give notice in the Kalihwisaks,
43 and other places of all actions to be introduced or considered in a timely manner to the membership.
44 Membership was encouraged to submit their items or concerns to the Tribal Secretary for the agenda.
45 Notice to the department was provided for in this section and required that a resolution pertaining to
46 any department, program, or enterprise shall be sent to the director or manager of that department
47 immediately upon receipt of the resolution by the Tribal Secretary. Notice of annual and semi-annual
48 General Tribal Council meeting was required to be sent to all Tribal members identified by the
49 Enrollment Department as: head of household who is age 21 or over. The notice shall contain the
50 following information: Information that the Annual or Semi-Annual General Tribal Council report is
51 in the process of completion and if the head of household wishes to receive the report, he or she must
52 return the postage paid card on or before the deadline date; return postage paid card; and deadline date.

- 53 ■ **Effect.** On average the Nation spends a total of four hundred sixty-four thousand dollars (\$464,000)
54 on a year on printing and mailing materials for General Tribal Council meetings. Since January
55 2020, many, if not all, activities and interaction with the Oneida Nation, as well as with other local,
56 state and federal government agencies, have moved to electronic access and the comfort level and
57 abilities of individuals to utilize these resources has been further increased. As a method to reduce
58 costs while maintaining accessibility, the Oneida Business Committee believes moving to
59 electronic delivery of meeting materials will provide a consistent, early, and inexpensive way to
60 allow every member access to meeting materials.

61 62 **SECTION 6. EXISTING LEGISLATION**

63 A. **Related Legislation.** The following laws of the Nation are related to the emergency amendments to this
64 Law:

- 65 ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal
66 Council on January 7, 2013, for the purpose of providing a standard process for the adoption
67 of laws of the Nation which includes taking into account comments from members of the
68 Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - 69 ▪ The Legislative Procedures Act provides a process for the adoption of emergency
70 legislation when the legislation is necessary for the immediate preservation of the
71 public health, safety, or general welfare of the Reservation population and the
72 enactment or amendment of legislation is required sooner than would be possible under
73 this law. [1 O.C. 109.9-5].
 - 74 ▪ The Legislative Operating Committee is responsible for first reviewing the
75 emergency legislation and for forwarding the legislation to the Oneida
76 Business Committee for consideration. [1 O.C. 109.9-5(a)].
 - 77 ▪ The proposed emergency legislation is required to have a legislative analysis
78 completed and attached prior to being sent to the Oneida Business Committee
79 for consideration. [1 O.C. 109.9-5(a)].
 - 80 a. A legislative analysis is a plain language analysis describing the
81 important features of the legislation being considered and factual
82 information to enable the Legislative Operating Committee to make
83 informed decisions regarding legislation. A legislative analysis
84 includes a statement of the legislation's terms and substance; intent of
85 the legislation; a description of the subject(s) involved, including any
86 conflicts with Oneida or other law, key issues, potential impacts of the
87 legislation and policy considerations. [1 O.C. 109.3-1(g)].
 - 88 ▪ Emergency legislation does not require a fiscal impact statement to be
89 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
 - 90 ▪ Upon the determination that an emergency exists the Oneida Business
91 Committee can adopt emergency legislation. The emergency legislation
92 becomes effective immediately upon its approval by the Oneida Business
93 Committee. [1 O.C. 109.9-5(b)].
 - 94 ▪ Emergency legislation remains in effect for a period of up to six (6) months,
95 with an opportunity for a one-time emergency law extension of up to six (6)
96 months. [1 O.C. 109.9-5(b)].
- 97 ▪ Adoption of these proposed emergency amendments would conform with the
98 requirements of the Legislative Procedures Act.

100 SECTION 7. OTHER CONSIDERATIONS

101 A. **Deadline for Permanent Adoption of Legislation.** The adoption of emergency amendments to the Law
102 expire six (6) months after adoption. The emergency legislation may be renewed for an additional six
103 (6) month period.

- 104 ▪ *Conclusion:* The Legislative Operating Committee will need to determine if the adoption of these
105 amendments is necessary on a permanent basis, and if so, develop the permanent amendments to
106 this Law within the next six (6) to twelve (12) months.

- 107 **B. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.
108 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
109 emergency legislation [*1 O.C. 109.6-1*].

110

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2022 07 27

Title 1. Government and Finances – Chapter 110
ONEIDA GENERAL TRIBAL COUNCIL TEN DAY NOTICE POLICY

110.1. Statement of Purpose
110.2. Definitions
110.3. Procedure

110.4. Filing Process of Proposed Resolutions
110.5. Notice to Membership
110.6. Process for Introducing Resolutions at GTC Meeting

110.1. Statement of Purpose

110.1-1. Provide notice to General Tribal Council (GTC) of regular or special business to be conducted or action taken at a GTC meeting.

110.1-2. Date, Time, Place to be published to give notice of the meeting to the membership.

110.1-3. Provide a clear and concise statement of procedures to be followed by the GTC and the Oneida Business Committee during conducting of GTC meetings.

(a) Agenda

(b) Motions

(c) Resolutions

110.2. Definitions

(a) *Due Process*: A process or procedure designed to give actual notice of a meeting or event that will or may effect the person(s) to whom the notice is given.

(b) *Motion*: Means a formal proposal by a member in a duly called meeting, that the body take a certain action.

(c) *Notice*: Means actually informing the membership of a regular or special meeting by:

(1) Publishing an agenda

(2) Stating a location

(3) Stating the date and time in a reasonable time for the members to attend.

(d) *Places of Prominence*: See attachment.

(e) *Resolution*: Means a proposed action of a substantial nature. It is introduced by a motion and includes statements of preamble setting forth its purpose, or reason, or statements of need or desirable goals and statements of resolve clearly and concisely setting forth actions to be taken or implemented.

(f) *Preamble*: A preliminary statement, the introduction to a formal document that explains its purpose.

(g) *Secretary*: Means the duly elected Secretary of the Oneida General Tribal Council.

(h) *Ten (10) Day Notice*: Means ten (10) calendar days, including weekends and holidays.

110.3. Procedure

110.3-1. Any resolution or motion pertaining to due process, or action that would have a direct impact on budgets or operations of the tribe shall be subject to a 10-day notice requirement.

(a) Motions:

(1) Reports: Motions to approve, disapprove, delete, correct or table do not require 10-day notice as long as they pertain to agenda reports.

(2) Reports with recommendations that call for motions to be made that have a direct impact on the budget or operations of the tribe shall be required to adhere to

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- 40 the 10-day notice procedures.
- 41 (3) Action to over rule previous passed motions or resolutions shall require a 2/3
- 42 majority vote.
- 43 (4) Points of Order and other processes that relate to the conducting of meeting are
- 44 not subject to a 10-day notice.
- (b) Motions: that call for action that will have a direct impact on the budget or operations of the Tribe shall be required to adhere to the following procedures:
- (1) If a motion is introduced that is of impact nature the motion will be referred to the Business Committee. The Business Committee shall be responsible for follow up and reporting back to the GTC at next meeting in written form.
- (A) Upon receipt of the fact finding report by the GTC, the GTC will then entertain motion for vote.
- (B) Motions that have been passed by GTC shall be carried out and adhered to whole heartedly by the Business Committee or as directed by the GTC.
- (c) Resolutions: All resolutions to be introduced shall be subject to the 10-day notice requirement.
- (1) Author(s) of resolution shall be identified by name and signature(s). This includes Oneida Business Committee members.
- (2) Anonymous resolutions will not be considered.

110.4. Filing Process of Proposed Resolutions

110.4-1. Five (5) copies of resolution to be introduced shall be provided to the Tribal Secretary for purpose of providing copies to the General Tribal Council meeting not later than Ten (10) calendar days prior to the ten day notice.

(a) The Legislative Operating Committee shall be established to implement resolution procedures, this committee shall not have authority to Veto or change the resolution in any manner.

(b) The Legislative Operating Committee shall be made up of the Oneida Business Committee members who are not officers.

110.4-2. Upon receipt of the resolution, the Tribal Secretary shall acknowledge formal acceptance in the following manner:

(a) A signed receipt shall be given to the sponsor of the resolution.

(b) Receipt of resolution shall be recorded in a special log and shall include the date, time, subject, and author(s).

(c) A separate file shall be maintained by the Tribal Secretary of all submitted resolutions that pertain to the GTC meeting(s).

110.4-3. A standardized resolution form shall be available from the Tribal Secretary's office to any tribal member who desires to develop a Resolution for the GTC meeting.

(a) The form shall include a statement of purpose and reason for the resolution.

(b) The form shall include a clear statement of corrective action to be carried out.

110.5. Notice to Membership

110.5-1. ~~The~~ All materials developed for a General Tribal Secretary Council meeting shall provide adequate copies for be posted to the GTC Oneida Nation's Members' Only website at least ten (10)

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calendar days prior to the meeting and ~~notice~~no mailing of all actions to be introduced those materials shall be ~~posted on defined APlaces of Prominence~~required.

~~(a) The Tribal Secretary shall give notice in the Kaliwisaks, and other places of all actions to be introduced or considered in a timely manner to the membership.~~

~~(b) Membership shall be encouraged to submit their items or concerns to the Tribal Secretary for the agenda.~~

~~110.5-2. Notice to Department: A resolution pertaining to any department, program, or enterprise shall be sent to the director or manager of that department immediately upon receipt of the resolution by the Tribal Secretary.~~

~~110.5-3. General Tribal Council Meetings – Annual and Semi-Annual: Notice will be sent to all Tribal members identified by the Enrollment Department as: head of household who is age 21 or over. The notice shall contain the following information:~~

~~(a) Information that the Annual or Semi-Annual General Tribal Council report is in the process of completion and if the head of household wishes to receive the report, he or she must return the postage paid card on or before the deadline date.~~

~~(b) return postage paid card.~~

~~(c) deadline date.~~

110.6. Process for Introducing Resolutions at GTC Meeting

110.6-1. Introduction of Resolution by author(s).

110.6-2. Discussion.

110.6-3. Chair shall entertain a motion.

(a) Action should address the introduced Resolution.

110.6-4. Vote on the motion.

110.6-5. Results of the vote on all resolutions shall be published in the Kaliwisaks in next scheduled Kaliwisaks publication.

(a) Resolutions that have been passed by GTC shall be implemented whole heartedly by the Business Committee or as directed by the GTC.

(1) Written progress reports shall be reported back to the GTC at next meeting.

(2) Failure by the BC to properly implement, or demonstrate progress of GTC actions may be subject to grounds of suspension and/or removal.

(A) Refer to the Business Committee Removal Ordinance.

End.

Adopted - GTC, motion March 4, 1991

(See also 7/8/00 GTC attachment pg. 101 for 4-14-00 memo – Re: Places of Prominence)

Amended - Special BC Resolution #8-02-00-A.

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~~To: General Tribal Council~~

~~From: Vince DelaRosa, Chairman Legislative Operating Committee~~

~~Date: April 14, 2000~~

~~Re: Emergency Amended **Ten Day Notice Policy for Adoption** - BC- - - -
Places of Prominence~~

~~The Amended Ten Day Notice policy is ready for adoption by the General Tribal Council which was tabled at the July 12, 1999 GTC meeting due to a lack of a quorum. It was also tabled at the January 2000 Annual GTC meeting and at the February 23, 2000 Special Oneida Business Committee meeting regarding the January 3, 2000 GTC meeting until the July 2000 Semi Annual GTC meeting. The OBC also noted for the record that an attachment for places of prominence will need to be supplied by the LOC, which is a required component for the Ten Day Notice policy, at the July 2000 GTC Semi Annual Meeting.~~

~~Places of prominence are intended for locations where the Legislative Operating Committee, Oneida Business Committee, and General Tribal Council official meeting notices can be posted for the public. These locations have been identified by the past Legislative Operating Committee back in January 1994 along with the purchase of locked glass cases for this purpose. The current Legislative Operating Committee also identifies the same locations and recommends these be the designated areas, and incorporated in the Ten Day Notice policy upon adoption. The following are the designated locations:~~

- ~~➤ Hwy 54 & EEE Oneida One Stops~~
- ~~➤ Norbert Hill Center Main Office~~
- ~~➤ Library~~
- ~~➤ Main Casino & IMAC~~
- ~~➤ Senior Center~~

~~Thank you.~~

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ONEIDA GENERAL TRIBAL COUNCIL TEN DAY NOTICE POLICY

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110.1-2. Date, Time, Place to be published to give notice of the meeting to the membership.

110.1-3. Provide a clear and concise statement of procedures to be followed by the GTC and the Oneida Business Committee during conducting of GTC meetings.

(a) Agenda

(b) Motions

(c) Resolutions

110.2. Definitions

(a) *Due Process*: A process or procedure designed to give actual notice of a meeting or event that will or may effect the person(s) to whom the notice is given.

(b) *Motion*: Means a formal proposal by a member in a duly called meeting, that the body take a certain action.

(c) *Notice*: Means actually informing the membership of a regular or special meeting by:

(1) Publishing an agenda

(2) Stating a location

(3) Stating the date and time in a reasonable time for the members to attend.

(d) *Places of Prominence*: See attachment.

(e) *Resolution*: Means a proposed action of a substantial nature. It is introduced by a motion and includes statements of preamble setting forth its purpose, or reason, or statements of need or desirable goals and statements of resolve clearly and concisely setting forth actions to be taken or implemented.

(f) *Preamble*: A preliminary statement, the introduction to a formal document that explains its purpose.

(g) *Secretary*: Means the duly elected Secretary of the Oneida General Tribal Council.

(h) *Ten (10) Day Notice*: Means ten (10) calendar days, including weekends and holidays.

110.3. Procedure

110.3-1. Any resolution or motion pertaining to due process, or action that would have a direct impact on budgets or operations of the tribe shall be subject to a 10-day notice requirement.

(a) Motions:

(1) Reports: Motions to approve, disapprove, delete, correct or table do not require 10-day notice as long as they pertain to agenda reports.

(2) Reports with recommendations that call for motions to be made that have a direct impact on the budget or operations of the tribe shall be required to adhere to the 10-

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- 40 day notice procedures.
- 41 (3) Action to over rule previous passed motions or resolutions shall require a 2/3
- 42 majority vote.
- 43 (4) Points of Order and other processes that relate to the conducting of meeting are
- 44 not subject to a 10-day notice.
- (b) Motions: that call for action that will have a direct impact on the budget or operations of the Tribe shall be required to adhere to the following procedures:
- (1) If a motion is introduced that is of impact nature the motion will be referred to the Business Committee. The Business Committee shall be responsible for follow up and reporting back to the GTC at next meeting in written form.
- (A) Upon receipt of the fact finding report by the GTC, the GTC will then entertain motion for vote.
- (B) Motions that have been passed by GTC shall be carried out and adhered to whole heartedly by the Business Committee or as directed by the GTC.
- (c) Resolutions: All resolutions to be introduced shall be subject to the 10-day notice requirement.
- (1) Author(s) of resolution shall be identified by name and signature(s). This includes Oneida Business Committee members.
- (2) Anonymous resolutions will not be considered.

110.4. Filing Process of Proposed Resolutions

110.4-1. Five (5) copies of resolution to be introduced shall be provided to the Tribal Secretary for purpose of providing copies to the General Tribal Council meeting not later than Ten (10) calendar days prior to the ten day notice.

(a) The Legislative Operating Committee shall be established to implement resolution procedures, this committee shall not have authority to Veto or change the resolution in any manner.

(b) The Legislative Operating Committee shall be made up of the Oneida Business Committee members who are not officers.

110.4-2. Upon receipt of the resolution, the Tribal Secretary shall acknowledge formal acceptance in the following manner:

(a) A signed receipt shall be given to the sponsor of the resolution.

(b) Receipt of resolution shall be recorded in a special log and shall include the date, time, subject, and author(s).

(c) A separate file shall be maintained by the Tribal Secretary of all submitted resolutions that pertain to the GTC meeting(s).

110.4-3. A standardized resolution form shall be available from the Tribal Secretary's office to to any tribal member who desires to develop a Resolution for the GTC meeting.

(a) The form shall include a statement of purpose and reason for the resolution.

(b) The form shall include a clear statement of corrective action to be carried out.

110.5. Notice to Membership

110.5-1. All materials developed for a General Tribal Council meeting shall be posted to the Oneida Nation's Members' Only website at least ten (10) calendar days prior to the meeting and no mailing

of those materials shall be required.

110.6. Process for Introducing Resolutions at GTC Meeting

110.6-1. Introduction of Resolution by author(s).

110.6-2. Discussion.

110.6-3. Chair shall entertain a motion.

(a) Action should address the introduced Resolution.

110.6-4. Vote on the motion.

110.6-5. Results of the vote on all resolutions shall be published in the Kaliwisaks in next scheduled Kaliwisaks publication.

(a) Resolutions that have been passed by GTC shall be implemented whole heartedly by the Business Committee or as directed by the GTC.

(1) Written progress reports shall be reported back to the GTC at next meeting.

(2) Failure by the BC to properly implement, or demonstrate progress of GTC actions may be subject to grounds of suspension and/or removal.

(A) Refer to the Business Committee Removal Ordinance.

End.

Adopted - GTC, motion March 4, 1991

(See also 7/8/00 GTC attachment pg. 101 for 4-14-00 memo – Re: Places of Prominence)

Amended - Special BC Resolution #8-02-00-A.

Emergency Amended – BC- __ - __ - __ - __

August 2022

August 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			

September 2022

Su	Mo	Tu	We	Th	Fr	Sa
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 31	Aug 1 9:00am LRO Staff Meeting (Legislative Reference Office) - Clorissa N. Santiago	2	3 8:30am LOC Prep (BC_Conf_Room) - Clorissa N. Santiago 9:00am LOC Meeting (BC_Conf_Room) - LOC	4	5	6
7	8 9:00am LRO Staff Meeting (Legislative Reference Office) - Clorissa N. Santiago	9	10	11	12	13
14	15 9:00am LRO Staff Meeting (Legislative Reference Office) - Clorissa N. Santiago	16	17	18	19 1:30pm Oneida Personnel Policies and Procedures Amendments Work Meeting (Microsoft Teams)	20
21	22 9:00am LRO Staff Meeting (Legislative Reference Office) - Clorissa N. Santiago	23	24	25 9:30am LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	26	27
28	29 9:00am LRO Staff Meeting (Legislative Reference Office) - Clorissa N. Santiago	30	31 9:30am LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	Sep 1	2	3