

# Oneida Business Committee



**Executive Session**  
8:30 AM Tuesday, September 25, 2018  
Executive Conference Room, 2nd floor, Norbert Hill Center

**Regular Meeting**  
8:30 AM Wednesday, September 26, 2018  
BC Conference Room, 2nd floor, Norbert Hill Center

## Agenda

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

### **I. CALL TO ORDER**

### **II. OPENING**

### **III. ADOPT THE AGENDA**

### **IV. MINUTES**

- A. Approve September 12, 2018, regular meeting minutes**  
Sponsor: Lisa Summers, Secretary
- B. Approve September 18, 2018, special meeting minutes**  
Sponsor: Lisa Summers, Secretary

### **V. RESOLUTIONS**

- A. Adopt resolution entitled Adoption of the Community Development Planning Committee Charter**  
Sponsor: Ernie Stevens III, Councilman
- B. Adopt resolution entitled 2018 Intertribal Buffalo Council, Buffalo Herd Development Grant**  
Sponsor: Larry Barton, Chief Financial Officer
- C. Adopt resolution entitled Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions**  
Sponsor: David P. Jordan, Councilman

- D. **Adopt resolution entitled Boards, Committees, and Commissions Law Stipends**  
Sponsor: David P. Jordan, Councilman
- E. **Adopt resolution entitled Oneida Nation's Support of Public Breastfeeding**  
Sponsor: Debra Danforth and Dr. Ravinder Vir, Division Directors/Comprehensive Health-Operations and Medical
- F. **Determine next steps regarding proposed resolution entitled Action by Oneida Nation as Owner of Corporate Shares**  
Sponsor: Jo Anne House, Chief Counsel
- G. **Adopt resolution entitled Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in Accordance with General Tribal Council's August 27, 2018 Directive**  
Sponsor: David P. Jordan, Councilman

## VI. **STANDING COMMITTEES**

### A. **COMMUNITY DEVELOPMENT PLANNING COMMITTEE**

- 1. **Accept August 2, 2018, Community Development Planning Committee meeting minutes**  
Sponsor: Ernie Stevens III, Councilman
- 2. **Approve Community Development Planning Committee Standard Operating Procedure entitled New Oneida Nation Business Development for Economic and Revenue Diversification -- FOLLOW UP IN PROGRESS**  
Sponsor: Ernie Stevens III, Councilman

### B. **FINANCE COMMITTEE**

- 1. **Approve September 17, 2018, Finance Committee meeting minutes**  
Sponsor: Trish King, Treasurer
- 2. **Approve updated Finance Committee policy entitled Donation Policy**  
Sponsor: Trish King, Treasurer

### C. **LEGISLATIVE OPERATING COMMITTEE**

- 1. **Accept September 5, 2018, Legislative Operating Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman
- 2. **Accept Children's Code Implementation quarterly update**  
Sponsor: David P. Jordan, Councilman
- 3. **Determine next steps regarding Oneida Personnel Commission bylaws**  
Sponsor: David P. Jordan, Councilman



**VII. UNFINISHED BUSINESS**

- A. **Defer Standard Operating Procedure for Special Budget Requests to the October 10, 2018, regular Business Committee meeting**  
Sponsor: Trish King, Treasurer

**VIII. TRAVEL REPORTS**

- A. **Approve travel report – Councilman Daniel Guzman King – Oneida Language Conference – Oneidatown, ON, Canada – June 3-6, 2018**  
Sponsor: Daniel Guzman King, Councilman
- B. **Approve travel report - Chairman Tehassi Hill - Representation in Thames for the passing of Bob Antone - Thames, Ontario - December 10-13, 2017**  
Sponsor: Tehassi Hill, Chairman
- C. **Approve travel report – Chairman Tehassi Hill – 2018 Nation Indian Gaming Association (NIGA) Trade Show – Las Vegas, NV – April 16-21, 2018**  
Sponsor: Tehassi Hill, Chairman

**IX. NEW BUSINESS**

- A. **Approve William Cornelius attorney contract – file # 2018-0099**  
Sponsor: Matthew W. Denny, Chairman/Oneida Gaming Commission

**X. GENERAL TRIBAL COUNCIL**

- A. **Determine next steps regarding Petitioner Gladys Dallas – \$5,000 payment within 90 days**  
Sponsor: Lisa Summers, Secretary
- B. **Approve notice and materials for October 28, 2018, tentatively scheduled special General Tribal Council meeting**  
Sponsor: Lisa Summers, Secretary

**XI. EXECUTIVE SESSION****A. REPORTS**

1. **Accept Chief Counsel report**  
Sponsor: Jo Anne House, Chief Counsel
2. **Accept Intergovernmental Affairs & Communications September 2018 report (9:00 a.m.)**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

**B. STANDING ITEMS**

1. **ONEIDA GOLF ENTERPRISE CORPORATION - LADIES PROFESSIONAL GOLF ASSOCIATION**
  - a. **Accept Thornberry Creek LPGA Classic September 2018 report (10:00 a.m.)**  
Sponsor: Josh Doxtator, Chief Operating Officer/Oneida Golf Enterprise Corporation
2. **SERVICE ELIGIBILITY SUB-COMMITTEE**
  - a. **Accept Service Eligibility Sub-Committee August 2018 update**  
Sponsor: Brandon Stevens, Vice-Chairman; Lisa Summers, Secretary; Kirby Metoxen, Councilman

**C. AUDIT COMMITTEE**

1. **Accept July 12, 2018, Audit Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman
2. **Accept Craps rule of play compliance audit and lift confidentiality requirement**  
Sponsor: David P. Jordan, Councilman
3. **Accept Pari-mutuel wagering and rules of play compliance audit and lift confidentiality requirement**  
Sponsor: David P. Jordan, Councilman

**D. UNFINISHED BUSINESS**

1. **File # ED18-005 - Accept update**  
Sponsor: Ernie Stevens III, Councilman
2. **File # ED18-120 - Support continuing work**  
Sponsor: Ernie Stevens III, Councilman

**E. NEW BUSINESS**

1. **Approve loan request - Oneida Airport Hotel Corporation (11:00 a.m.)**  
Sponsor: Robert Barton, President/OAHC

**XII. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov), at 4:30 PM, Friday, September 21, 2018, pursuant to the Open Records and Open Meetings law (§ 107.14.)

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

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

### Oneida Business Committee Agenda Request

Approve September 12, 2018, regular meeting minutes

1. Meeting Date Requested: 09 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve September 12, 2018, regular Business Committee meeting minutes

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

- 1.
- 2.
- 3.
- 4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Lisa Liggins, Info. Mgmt. Spec./BC Support Office  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

**DRAFT****Oneida Business Committee**

**Executive Session**  
**8:30 a.m. Tuesday, September 11, 2018**  
**Executive Conference Room, 2nd floor, Norbert Hill Center**

**Regular Meeting**  
**8:30:AM Wednesday, September 12, 2018**  
**BC Conference Room, 2nd floor, Norbert Hill Center**

**Minutes****EXECUTIVE SESSION**

**Present:** Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Summers, Treasurer Trish King, Council members: David Jordan, Kirby Metoxen, Ernest Stevens III;

**Not Present:** Council members: Daniel Guzman King, Jennifer Webster;

**Arrived at:** n/a

**Others present:** Jo Anne House, Larry Barton, Lisa Liggins, Troy Parr, Laura Laitinen-Warren, Loucinda Conway, Jacqueline Johnson;

**REGULAR MEETING**

**Present:** Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King, Council members: Daniel Guzman King, David Jordan, Kirby Metoxen, Ernest Stevens III;

**Not Present:** Secretary Lisa Summers, Councilwoman Jennifer Webster;

**Arrived at:** n/a

**Others present:** Jo Anne House, Larry Barton, Lisa Liggins, Brent Truttmann, Nancy Skenandore, Geraldine Danforth, Debbie Danforth, Brad Graham, Bill Graham, Fred Muscavitch, Matt W. Denny, Clorissa Santiago, Kristen Hooker, Sharon Mousseau, Carole Liggins, Tracey Williams, Michelle M. Braaten, Shoshana King, Tracy Metoxen, Frank Vandehei, Rae Skenandore, Nancy Cook, Michael Metoxen, Jolene Hensberger, Laura Laitinen-Warren, Shannon Metoxen, Melinda K. Danforth, Mark A. Powless, Donald D. McLester, Dakota Webster, Sherrole Benton, Pat Lassila, Lois J. Powless;

**I. CALL TO ORDER**

*Called to order by Chairman Tehassi Hill at 8:32 a.m.*

*For the record: Secretary Lisa Summers, representing the Oneida Nation as a public member of the Special Committee on State-Tribal Relations, is attending the Committee's first meeting of this session in Madison, WI. Councilwoman Jennifer Webster is on approved travel attending the Tribal Self-Governance Advisory Committee Strategy Session in St. Paul, MN.*

**II. OPENING**

*Provided by Chairman Tehassi Hill.*

**DRAFT****III. ADOPT THE AGENDA (00:04:30)**

Motion by Brandon Stevens to adopt the agenda with three (3) corrections [1) correct typo in the title of item VI.B. from Tsyunhéhká to Tsyunhéhká; 2) add location of Albuquerque, NM to item IX.N.; 3) correct title of item XIII.B.4.a. to "Defer Service Eligibility Sub-Committee August 2018 update to the September 26, 2018, regular Business Committee meeting"] and one (1) addition [item XIII.F.7. entitled File # ED18-002 - Determine next steps], seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**IV. OATH OF OFFICE (00:06:00)**

*Administered by Vice-Chairman Brandon Stevens. Shannon Metoxen, Melinda K. Danforth, Mark A. Powless, Donald D. McLester, Dakota Webster, Sherrole Benton, Pat Lassila, Lois J. Powless, Lisa Liggins, Debra J. Danforth, and Geraldine Danforth were present. Jennifer L. Hill, Mike Mousseau, and Tracey L. Metoxen were not present.*

- A. Oneida Election Board - Shannon Metoxen, Melinda K. Danforth, and Jennifer L. Hill**  
Sponsor: Lisa Summers, Secretary
- B. Oneida Gaming Commission - Mark A. Powless**  
Sponsor: Lisa Summers, Secretary
- C. Oneida Land Claims Commission - Donald D. McLester and Dakota Webster**  
Sponsor: Lisa Summers, Secretary
- D. Oneida Land Commission - Sherrole Benton, Mike Mousseau, and Donald D. McLester**  
Sponsor: Lisa Summers, Secretary
- E. Oneida Nation Commission on Aging - Pat Lassila and Lois J. Powless**  
Sponsor: Lisa Summers, Secretary
- F. Oneida Nation School Board - Lisa Liggins, Tracey L. Metoxen, and Melinda K. Danforth**  
Sponsor: Lisa Summers, Secretary
- G. Oneida Trust Enrollment Committee - Debra J. Danforth, Lisa Liggins, and Geraldine Danforth**  
Sponsor: Lisa Summers, Secretary

**DRAFT****V. MINUTES****A. Approve July 25-26, 2018, regular Business Committee meeting minutes, as corrected (00:11:30)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the July 25-26, 2018, regular Business Committee meeting minutes, as corrected, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**B. Approve August 22, 2018, regular Business Committee meeting minutes (00:11:57)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the August 22, 2018, regular Business Committee meeting minutes, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**C. Approve August 23, 2018, quarterly report Business Committee meeting minutes (00:12:20)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the August 23, 2018, quarterly report Business Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**D. Approve August 29, 2018, emergency Business Committee meeting minutes (00:12:43)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the August 29, 2018, emergency Business Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**VI. RESOLUTIONS****A. Adopt resolution entitled Appointing Delegates to the National Congress of American Indians (00:13:10)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Brandon Stevens to adopt resolution 09-12-18-A Appointing Delegates to the National Congress of American Indians, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**DRAFT**

- B. Adopt resolution entitled Oneida Employee Onłhaka-lát (White Corn) Cultural Education Days at Tsyunhéhkwał (00:13:44)**  
Sponsor: Daniel Guzman King, Councilman

Motion by Ernie Stevens III to adopt resolution 09-12-18-B Oneida Employee Onłhaka-lát (White Corn) Cultural Education Days at Tsyunhéhkwał with the noted change [strike lines 51-52], seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**VII. STANDING COMMITTEES****A. COMMUNITY DEVELOPMENT PLANNING COMMITTEE**

- 1. Accept June 7, 2018, Community Development Planning Committee meeting minutes (00:19:44)**  
Sponsor: Ernie Stevens III, Councilman

Motion by David P. Jordan to accept the June 7, 2018, Community Development Planning Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**B. FINANCE COMMITTEE**

- 1. Approve September 4, 2018, Finance Committee meeting minutes (00:20:19)**  
Sponsor: Trish King, Treasurer

Motion by David P. Jordan to accept the September 4, 2018, Finance Committee meeting minutes, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**C. LEGISLATIVE OPERATING COMMITTEE**

- 1. Accept August 15, 2018, Legislative Operating Committee meeting minutes (00:20:50)**  
Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the August 15, 2018, Legislative Operating Committee meeting minutes, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**D. QUALITY OF LIFE COMMITTEE (No Requested Action)**

**DRAFT****VIII. TABLED BUSINESS**

- A. Approve travel request in accordance with § 219.16-1 - Four (4) Oneida Language Department staff - Kaliwiyo Ceremonies - Hogansburg, NY - September 28-October 5, 2018 (00:21:28)**

Sponsor: Todd Hill, Chair/Oneida Nation School Board

Motion by David P. Jordan to take this item from the table, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

Motion by David P. Jordan to approve the travel request in accordance with § 219.16-1 for four (4) Oneida Language Department staff to attend Kaliwiyo Ceremonies in Hogansburg, NY - September 28-October 5, 2018, noting the correction to the per diem, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Ernie Stevens III  
Opposed: Kirby Metoxen  
Not Present: Lisa Summers, Jennifer Webster

- B. Approve travel request in accordance with § 219.16-1 - Four (4) Oneida Language Department apprentices - Kaliwiyo Ceremonies - Hogansburg, NY - September 28-October 5, 2018 (00:44:37)**

Sponsor: Todd Hill, Chair/Oneida Nation School Board

Motion by David P. Jordan to take this item from the table, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

Motion by David P. Jordan to delete this item from the agenda, as it no longer meets the requirement for Business Committee approval per the Travel and Expense policy, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**IX. TRAVEL REPORTS**

- A. Approve travel report - Councilman Ernie Stevens III - NCAI 74th Annual Convention & Marketplace - Milwaukee, WI - October 16-20, 2017 (00:46:25)**

Sponsor: Ernie Stevens III, Councilman

Motion by Brandon Stevens to approve the travel report from Councilman Ernie Stevens III for the NCAI 74th Annual Convention & Marketplace in Milwaukee, WI - October 16-20, 2017, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, Trish King, Kirby Metoxen,  
Ernie Stevens III  
Not Present: David P. Jordan, Lisa Summers, Jennifer Webster

*Councilman David P. Jordan left at 9:34 a.m.*



**DRAFT**

- B. Approve travel report - Councilman Ernie Stevens III - 1st Annual Hemp Expo - Milwaukee, WI - March 9-10, 2018 (01:02:58)**  
Sponsor: Ernie Stevens III, Councilman

Motion by Daniel Guzman King to approve the travel report from Councilman Ernie Stevens III for the 1st Annual Hemp Expo in Milwaukee, WI - March 9-10, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: David P. Jordan, Lisa Summers, Jennifer Webster

- C. Approve travel report - Councilman Ernie Stevens III - 2018 Tribal Environmental Program Management Conference - Chicago, IL - March 19-21, 2018 (01:05:44)**  
Sponsor: Ernie Stevens III, Councilman

Motion by Trish King to approve the travel report from Councilman Ernie Stevens III for the 2018 Tribal Environmental Program Management Conference in Chicago, IL - March 19-21, 2018, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: David P. Jordan, Lisa Summers, Jennifer Webster

*For the record: Treasurer Trish King stated this travel was covered by the GAP grant.*

*For the record: This travel was paid for through the GAP grant.*

- D. Approve travel report - Councilman Ernie Stevens III - Tribal Caucus and ITCJC meetings - Baraboo, WI - March 21-22, 2018 (01:06:58)**  
Sponsor: Ernie Stevens III, Councilman

Motion by Kirby Metoxen to approve the travel report from Councilman Ernie Stevens III for the Tribal Caucus and Inter-Tribal Criminal Justice Council meetings in Baraboo, WI - March 21-22, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: David P. Jordan, Lisa Summers, Jennifer Webster

- E. Approve travel report - Councilman Ernie Stevens III - 2018 Nation Indian Gaming Association (NIGA) Trade Show - Las Vegas, NV - April 16-20, 2018 (01:07:38)**  
Sponsor: Ernie Stevens III, Councilman

Motion by Kirby Metoxen to approve the travel report from Councilman Ernie Stevens III for the 2018 Nation Indian Gaming Association (NIGA) Trade Show in Las Vegas, NV - April 16-20, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: David P. Jordan, Lisa Summers, Jennifer Webster

**DRAFT**

- F. Approve travel report - Councilman Ernie Stevens III - Heating the Midwest 2018 Conference & Expo - Carlton, MN - April 30-May 4, 2018 (01:08:13)**  
Sponsor: Ernie Stevens III, Councilman

Motion by Trish King to approve the travel report from Councilman Ernie Stevens III for the Heating the Midwest 2018 Conference & Expo in Carlton, MN - April 30-May 4, 2018, noting the travel was cancelled, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

*Councilman David P. Jordan returned at 9:41 a.m.*

- G. Approve travel report - Councilman Ernie Stevens III - 2018 Tribal Lands & Environment Forum - Spokane, WA - August 12-17, 2018 (01:09:49)**  
Sponsor: Ernie Stevens III, Councilman

Motion by Trish King to approve the travel report from Councilman Ernie Stevens III for the 2018 Tribal Lands & Environment Forum in Spokane, WA - August 12-17, 2018, noting this travel was paid for through the Environmental, Health, Safety & Land Division brownfield grant, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- H. Approve travel report - Councilwoman Jennifer Webster - Annual Federal Office of Head Start Tribal Consultation- Anchorage, AK - October 17-20, 2017 (01:10:34)**  
Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel report from Councilwoman Jennifer Webster for the Annual Federal Office of Head Start Tribal Consultation in Anchorage, AK - October 17-20, 2017, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- I. Approve travel report - Councilwoman Jennifer Webster - Parents as Teachers Conference - Philadelphia, PA - November 28-30, 2017 (01:11:04)**  
Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel report from Councilwoman Jennifer Webster for the Parents as Teachers Conference in Philadelphia, PA - November 28-30, 2017, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**DRAFT****J. Approve travel report - Councilwoman Jennifer Webster - Indian Health Care Improvement Fund Work Group Meeting - Washington DC - January 29-February 1, 2018 (01:11:38)**

Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel report from Councilwoman Jennifer Webster for the Indian Health Care Improvement Fund Work Group Meeting in Washington DC - January 29-February 1, 2018, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**K. Approve travel report - Councilwoman Jennifer Webster - National Congress of American Indians Executive Winter Session - Washington DC - February 12-14, 2018 (01:12:14)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Kirby Metoxen to approve the travel report from Councilwoman Jennifer Webster for the National Congress of American Indians Executive Winter Session in Washington DC – February 12-14, 2018, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**L. Approve travel report - Councilwoman Jennifer Webster - Indian Health Care Improvement Fund - Denver, CO - April 11-14, 2018 (01:13:36)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Kirby Metoxen to approve the travel report from Councilwoman Jennifer Webster for the Indian Health Care Improvement Fund in Denver, CO - April 11-14, 2018, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**M. Approve travel report - Councilwoman Jennifer Webster and Secretary Lisa Summers - 2018 Tribal Self-Governance Annual Conference - Albuquerque, NM - April 21-27, 2018 (01:14:16)**

Sponsor: Jennifer Webster, Councilwoman; Lisa Summers, Secretary

Motion by David P. Jordan to approve the travel report from Councilwoman Jennifer Webster and Secretary Lisa Summers for the 2018 Tribal Self-Governance Annual Conference in Albuquerque, NM - April 21-27, 2018, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**DRAFT**

- N. Approve travel report - Councilwoman Jennifer Webster - Inter-Tribal Monitoring Association on Indian Trust - Albuquerque, NM - April 27-28, 2018 (01:14:57)**  
Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel report from Councilwoman Jennifer Webster for the Inter-Tribal Monitoring Association on Indian Trust in Albuquerque, NM - April 27-28, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- O. Accept travel report - Councilmembers Daniel Guzman King and Jennifer Webster - Tribal Self-Governance Advisory Committee FY 2019 Bemidji Area Pre-Negotiation - Minneapolis, MN - June 20-23, 2018 (01:15:32)**  
Sponsor: Daniel Guzman King, Councilman; Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel report from Councilmembers Daniel Guzman King and Jennifer Webster for the Tribal Self-Governance Advisory Committee FY 2019 Bemidji Area Pre-Negotiation in Minneapolis, MN - June 20-23, 2018, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- P. Approve travel report - Councilman Daniel Guzman King - 2018 Tribal Lands & Environment Forum - Spokane, WA - August 12-17, 2018 (01:16:05)**  
Sponsor: Daniel Guzman King, Councilman

Motion by David P. Jordan to approve the travel report from Councilman Daniel Guzman King for the 2018 Tribal Lands & Environment Forum in Spokane, WA - August 12-17, 2018, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- Q. Approve travel report - Councilman Daniel Guzman King - Region 5 Tribal Opioid Strategic Planning Conference - St. Paul, MN - August 22-23, 2018 (01:20:23)**  
Sponsor: Daniel Guzman King, Councilman

Motion by David P. Jordan to approve the travel report from Councilman Daniel Guzman King for the Region 5 Tribal Opioid Strategic Planning Conference in St. Paul, MN - August 22-23, 2018, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

*Chairman Tehassi Hill left at 9:54 a.m.*

*Chairman Tehassi Hill returned at 9:56 a.m.*

**DRAFT**

- R. Approve travel report - Vice-Chairman Brandon Stevens - 2017 Fall Haskell Board of Regents meeting - Lawrence, KS - October 11-13, 2017 (01:31:26)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel report from Vice-Chairman Brandon Stevens for the 2017 Fall Haskell Board of Regents meeting in Lawrence, KS - October 11-13, 2017, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Abstained: Brandon Stevens  
Not Present: Lisa Summers, Jennifer Webster

- S. Approve travel report - Vice-Chairman Brandon Stevens - NCAI 74th Annual Convention & Marketplace - Milwaukee, WI - October 18-19, 2017 (01:37:17)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel report from Vice-Chairman Brandon Stevens for the NCAI 74th Annual Convention & Marketplace in Milwaukee, WI - October 18-19, 2017, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- T. Approve travel report - Vice-Chairman Brandon Stevens - Alliance for Boys and Men of Color Equity Summit - Chicago, IL - April 11-13, 2018 (01:37:45)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel report from Vice-Chairman Brandon Stevens for the Alliance for Boys and Men of Color Equity Summit in Chicago, IL - April 11-13, 2018, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- U. Approve travel report - Vice-Chairman Brandon Stevens - US House of Representatives Committee on Appropriations hearing on Interior, Environment, and Related Agencies testimony - Washington DC - May 8-9, 2018 (01:41:30)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel report from Vice-Chairman Brandon Stevens for the US House of Representatives Committee on Appropriations hearing on Interior, Environment, and Related Agencies testimony in Washington DC - May 8-9, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**DRAFT**

- V. Approve travel report - Vice-Chairman Brandon Stevens - Haskell Spring Board of Regents Meeting - Lawrence, KS - May 15-18, 2018 (01:42:05)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel report from Vice-Chairman Brandon Stevens for the Haskell Spring Board of Regents Meeting in Lawrence, KS - May 15-18, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

*Councilman Kirby Metoxen left at 10:14 a.m.*

- W. Approve travel report - Vice-Chairman Brandon Stevens - National Indian Gaming Association (NIGA) Annual Membership meeting and 2018 NIGA Trade Show - Las Vegas, NV - April 16-21, 2018 (01:42:34)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to approve the travel report from Vice-Chairman Brandon Stevens for the National Indian Gaming Association (NIGA) Annual Membership meeting and 2018 NIGA Trade Show in Las Vegas, NV - April 16-21, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

*Councilman Ernie Stevens III left at 10:20 a.m.*

*Councilman Kirby Metoxen returned at 10:23 a.m.*

*Councilman Ernie Stevens III returned at 10:26 a.m.*



**DRAFT**

- X. Approve travel report - Treasurer Trish King - National Intertribal Tax Alliance Conference - Airway Heights, WA - August 25-September 1, 2018 (01:46:26)**  
Sponsor: Trish King, Treasurer

Motion by David P. Jordan to approve the travel report from Treasurer Trish King for the National Intertribal Tax Alliance Conference in Airway Heights, WA - August 25-September 1, 2018, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

Motion by Brandon Stevens to approve the four (4) additional actions listed on page four (4) of the travel report [1) Direct the Law Office to provide an opinion as to how the South Dakota v Wayfair decision can benefit the Oneida Nation and its members; and direct the Intergovernmental Affairs & Communications department to develop an outline of how to, if appropriate, develop Certificates of Exemption through Wisconsin Department of Revenue as well as consideration of tax agreements with the State for alcohol and fuel; 2) Direct the Law Office and the Intergovernmental Affairs & Communications department to develop a plan of action to creating rules for exempting income per the General Welfare Exclusion Act and for a draft outline to be made at the November Business Committee Work Session; 3) Direct the Governmental Services Division Director to annually provide information to recipients of the Oneida Scholarship, how their tuition and other education benefits are not taxable income; 4) Form a team, through the Treasurer's office, to collectively scroll through the General Welfare Exclusion Act and Safe Harbor laws to ensure we are providing the most valuable protections and benefits to our members. The team should include: Social Services, Law Office, Intergovernmental Affairs & Communications, Legislative Operating Committee and Finance] and request the Trust Enrollment Committee to review their guidelines regarding the Minor Trust Accounts and the Kiddie Tax, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- Y. Approve travel report - Secretary Lisa Summers - Tribal Caucus and Inter-Tribal Criminal Justice Council Meeting - Hayward, WI - May 23-24, 2018 (02:11:41)**  
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the travel report from Secretary Lisa Summers for the Tribal Caucus and Inter-Tribal Criminal Justice Council Meeting in Hayward, WI - May 23-24, 2018, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- Z. Approve travel report - Secretary Lisa Summers - 2018 Partners in Action - Milwaukee, WI - July 17-19, 2018 (02:12:10)**  
Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to approve the travel report from Secretary Lisa Summers for the 2018 Partners in Action in Milwaukee, WI - July 17-19, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**DRAFT****X. TRAVEL REQUESTS**

- A. Approve travel request - Secretary Lisa Summers and up to two (2) additional OBC members - National Congress of American Indians 75th Annual Convention & Marketplace - Denver, CO - October 20-27, 2018 (02:12:43)**  
Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to approve the travel request for Secretary Lisa Summers and up to two (2) additional OBC members to attend the National Congress of American Indians 75th Annual Convention & Marketplace in Denver, CO - October 20-27, 2018, seconded by David P. Jordan.

Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

- B. Enter e-poll results into the record - Approved travel request - Councilwoman Jennifer Webster - Administration for Children & Families annual consultation - Washington DC - September 12-13, 2018 (02:13:31)**  
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record in accordance with the OBC SOP entitled Conducting Electronic Voting (E-polls) for the approved travel request for Councilwoman Jennifer Webster to attend the Administration for Children & Families annual consultation in Washington DC - September 12-13, 2018, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Daniel Guzman King, Lisa Summers, Jennifer Webster

*Councilman Daniel Guzman King left at 10:46 a.m.*

- C. Enter e-poll results into the record - Approved travel request - Councilman Ernie Stevens III - Three (3) events - Milwaukee, WI and New York, NY - September 5-7, 2018 (02:17:41)**  
Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to enter the e-poll results into the record in accordance with the OBC SOP entitled Conducting Electronic Voting (E-polls) for the approved travel request for Councilman Ernie Stevens III to attend three (3) events in Milwaukee, WI and New York, NY - September 5-7, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, David P. Jordan, Trish King, Kirby Metoxen  
Abstained: Ernie Stevens III  
Not Present: Daniel Guzman King, Lisa Summers, Jennifer Webster

*For the record: The three (3) events for this travel request are: 1) the Department of Natural Resources (DNR) Annual Tribal Consultation in Milwaukee, WI – September 5, 2018; 2) the 5th Annual Media for Social Impact Summit in New York, NY - September 6, 2018; and 3) the 2018 Indian Summer Festival Tribal Leaders Meeting in Milwaukee, WI - September 7, 2018.*



**DRAFT**

- D. Enter e-poll results into the record - Approved travel request in accordance with § 219.16-1 - Six (6) Oneida Health Promotion and Disease Prevention team members - Bemidji Area Director's Health & Wellness Award Presentation - September 12-13, 2018 (02:18:52)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record in accordance with the OBC SOP entitled Conducting Electronic Voting (E-polls) for the approved travel request in accordance with § 219.16-1 for six (6) Oneida Health Promotion and Disease Prevention team members to attend the Bemidji Area Director's Health & Wellness Award Presentation - September 12-13, 2018, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Daniel Guzman King, Lisa Summers, Jennifer Webster

- E. Enter e-poll results into the record - Approved travel request - Councilman David P. Jordan - National Tribal Gaming Commissioners/Regulators Conference - Prior Lake, MN - September 17-18, 2018 (02:19:29)**

Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to enter the e-poll results into the record in accordance with the OBC SOP entitled Conducting Electronic Voting (E-polls) for the approved travel request for Councilman David P. Jordan to attend the National Tribal Gaming Commissioners/Regulators Conference in Prior Lake, MN - September 17-18, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Trish King, Kirby Metoxen, Ernie Stevens III  
Abstained: David P. Jordan  
Not Present: Daniel Guzman King, Lisa Summers, Jennifer Webster

**XI. NEW BUSINESS**

- A. Approve Debra Danforth, Division Director/Comprehensive Health - Operations, nomination and associated correspondence - NIH Tribal Advisory Committee At-Large Member (02:20:51)**

Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the nomination of Debra Danforth, Division Director/ Comprehensive Health - Operations, for the NIH Tribal Advisory Committee At-Large Member and the associated correspondence, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Daniel Guzman King, Lisa Summers, Jennifer Webster

- B. Enter the e-poll results into the record - Determination of distribution - 100 tickets - 2018 Indian Summer Festival (02:22:07)**

Sponsor: Lisa Summers, Secretary

Motion by Trish King to enter the e-poll results into the record in accordance with the OBC SOP entitled Conducting Electronic Voting (E-polls) for the determination of distribution for 100 tickets for the 2018 Indian Summer Festival, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**DRAFT**

*Daniel Guzman King returned at 10:53 a.m.*

**XII. GENERAL TRIBAL COUNCIL****A. Accept statement of effect regarding Petitioner Gladys Dallas: \$5,000 payment within 90 days (02:22:55)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the statement of effect regarding Petitioner Gladys Dallas: \$5,000 payment within 90 days, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**B. Accept legal review regarding Petitioner Gladys Dallas: \$5,000 payment within 90 days (02:24:02)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Kirby Metoxen to accept the legal review regarding Petitioner Gladys Dallas: \$5,000 payment within 90 days, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**C. Accept fiscal impact statement regarding Petitioner Gladys Dallas: \$5,000 payment within 90 days (02:27:32)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David P. Jordan to accept the fiscal impact statement regarding Petitioner Gladys Dallas: \$5,000 payment within 90 days, seconded by Daniel Guzman King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**DRAFT****D. Accept statement of effect regarding Petitioner Linda Dallas: Medicare Part B premium payment (02:28:02)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the statement of effect regarding Petitioner Linda Dallas: Medicare Part B premium payment, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**E. Accept legal review regarding Petitioner Linda Dallas: Medicare Part B premium payment (02:28:31)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Kirby Metoxen to accept the legal review regarding Petitioner Linda Dallas: Medicare Part B premium payment, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**F. Accept fiscal impact statement regarding Petitioner Linda Dallas: Medicare Part B premium payment (02:28:52)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David P. Jordan to accept the fiscal impact statement regarding Petitioner Linda Dallas: Medicare Part B premium payment, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**DRAFT****XIII. EXECUTIVE SESSION****A. REPORTS****1. Accept Chief Counsel report (02:29:42)**

Sponsor: Jo Anne House, Chief Counsel

Motion by David P. Jordan to accept the Chief Counsel report, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

Motion by Brandon Stevens to accept the recommendation of the Chairman and terminate the appointments of Carol Smith, Erik Krawczyk. Gary Smith, Gerald Decorah, Jason Martinez, Jennifer Hill, Patricia Powless, Pearl Webster, Sharon Alvarez, Stacey M. Nieto, Tina M Moore, and Yvonne Jourdan under the authority of section 105.6-5, based on the documentation submitted by members of the Oneida Personnel Commission, the decisions of the Judiciary, and our findings before and after dissolution of the Oneida Personnel Commission, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

Motion by Trish King to direct the Legislative Operating Committee to present the by-laws for the Oneida Personnel Commission at the next regular Oneida Business Committee meeting with updated qualifications to address the issue of understanding hearing authorities and responsibilities, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

Motion by Kirby Metoxen to defer posting the Oneida Personnel Commission vacancies until the updated by-laws are presented and approved by the Oneida Business Committee, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

Motion by Brandon Stevens to approve and authorize the Chairman to sign the joint statement provided on September 11, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**B. STANDING ITEMS****1. LAND CLAIMS STRATEGY *(No Requested Action)*****2. ONEIDA GOLF ENTERPRISE CORPORATION - LADIES PROFESSIONAL GOLF ASSOCIATION *(No Requested Action)*****3. LAND MORTGAGE FUNDS *(No Requested Action)*****4. SERVICE ELIGIBILITY SUB-COMMITTEE**

**DRAFT**

- a. **Defer Service Eligibility Sub-Committee August 2018 update to the September 26, 2018, regular Business Committee meeting (02:35:19)**  
Sponsor: Brandon Stevens, Vice-Chairman; Lisa Summers, Secretary; Kirby Metoxen, Councilman

Motion by Trish King to defer the Service Eligibility Sub-Committee August 2018 update to the September 26, 2018, regular Business Committee meeting, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**C. AUDIT COMMITTEE**

1. **Approve limited waiver of sovereign immunity - Lighthouse Services Inc Hotline Services Agreement - file # 2018-1026 (02:35:40)**  
Sponsor: David P. Jordan, Councilman

Motion by Brandon Stevens to approve a limited waiver of sovereign immunity for the Lighthouse Services Inc Hotline Services Agreement - file # 2018-1026, noting Internal Audit will work with the Law Office on eliminating the need for the waiver, seconded by Ernie Stevens III. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**D. TABLED BUSINESS (No Requested Action)****E. UNFINISHED BUSINESS (No Requested Action)****F. NEW BUSINESS**

1. **File # ED18-005 – Determine next steps (02:36:24)**  
Sponsor: Troy Parr, Division Director/Community & Economic Development

Motion by David P. Jordan to approve proceeding with a high impact low-cost roll-out to the membership within the next two (2) months, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

2. **Review DR10 recommendation - Self-Governance personnel (02:36:57)**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by David P. Jordan to accept the recommendation provided by the Intergovernmental Affairs Director in the memorandum dated September 6, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

**DRAFT****3. Approve research project entitled "Ownership Effects Among Native American Banks" and associated correspondence (02:37:28)**

Sponsor: Jo Anne House, Chief Counsel

Motion by David P. Jordan to approve the research project entitled "Ownership Effects Among Native American Banks" and associated correspondence, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**4. File # ED18-028 - Determine next steps (02:37:59)**

Sponsor: Ernie Stevens III, Councilman

Motion by David P. Jordan to direct Councilman Ernie Stevens III to coordinate a meeting regarding File # ED18-028 and to invite the agreed upon entities, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**5. Accept executive travel report - Secretary Lisa Summers - 2018 Partners in Action - Milwaukee, WI - July 17-19, 2018 (02:38:31)**

Sponsor: Lisa Summers, Secretary

Motion by Trish King to accept the executive travel report from Secretary Lisa Summers for the 2018 Partners in Action in Milwaukee, WI - July 17-19, 2018, as information, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**6. Review complaint # 2018-DR03-01 (02:39:12)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan that, based on the materials provided, complaint # 2018-DR03-01 has no merit and is closed, seconded by Kirby Metoxen. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Kirby  
Metoxen, Ernie Stevens III

Abstained: Trish King

Not Present: Lisa Summers, Jennifer Webster

**7. File # ED-002 - Determine next steps (02:39:49)**

Sponsor: Troy Parr, Division Director/Community &amp; Economic Development

Motion by David P. Jordan to approve proceeding with the proposal dated August 9, 2018, seconded by Trish King. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III

Not Present: Lisa Summers, Jennifer Webster

**DRAFT**

**XIV. ADJOURN (02:40:15)**

Motion by David P. Jordan to adjourn at 11:12 p.m., seconded by Kirby Metoxen. Motion carried:  
Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
Kirby Metoxen, Ernie Stevens III  
Not Present: Lisa Summers, Jennifer Webster

DRAFT

Minutes prepared by Lisa Liggins, Information Management Specialist  
Minutes approved as presented on \_\_\_\_\_.

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Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE

### Oneida Business Committee Agenda Request

Approve September 18, 2018, special meeting minutes

1. Meeting Date Requested: 09 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve September 18, 2018, special Business Committee meeting minutes

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Lisa Liggins, Info. Mgmt. Spec./BC Support Office  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



**DRAFT****Oneida Business Committee**

**Special Meeting**  
**8:30 a.m. Tuesday, September 18, 2018**  
**BC Conference Room, 2nd floor, Norbert Hill Center**

**Minutes****SPECIAL MEETING**

**Present:** Vice-Chairman Brandon Stevens, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, Ernest Stevens III, Jennifer Webster;

**Not Present:** Chairman Tehassi Hill, Council members: David P. Jordan, Kirby Metoxen;

**Arrived at:** n/a

**Others present:** Kelly McAndrews, Lisa Liggins, Brooke Doxtator, Marlene Summers, Mike Mousseau, Vicki Cornelius;

**I. CALL TO ORDER**

*Meeting called to order by Vice-Chairman Brandon Stevens at 8:33 a.m.*

**II. OPENING**

*Provided by Councilman Daniel Guzman King.*

**III. ADOPT THE AGENDA (00:01:07)**

Motion by Trish King to adopt the agenda as presented, seconded by Jennifer Webster. Motion carried:

Ayes:	Daniel Guzman King, Trish King, Ernie Stevens III, Lisa Summers, Jennifer Webster
Not Present:	Tehassi Hill, David P. Jordan, Kirby Metoxen

**IV. OATH OF OFFICE (00:01:33)**

*Administered by Secretary Lisa Summers. Vicki Cornelius, Michael Mousseau, and Marlene Summers were present. Tracy L. Metoxen was not present.*

- A. Oneida Election Board - Vicki Cornelius**  
Sponsor: Lisa Summers, Secretary
- B. Oneida Land Commission - Michael Mousseau**  
Sponsor: Lisa Summers, Secretary
- C. Oneida Nation Commission on Aging - Marlene Summers**  
Sponsor: Lisa Summers, Secretary

**DRAFT**

- D. Oneida Nation School Board - Tracy L. Metoxen**  
Sponsor: Lisa Summers, Secretary

**V. ADJOURN (00:06:00)**

Motion by Ernie Stevens III to adjourn at 8:39 a.m., seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, Trish King, Ernie Stevens III, Lisa Summers,  
Jennifer Webster  
Not Present: Tehassi Hill, David P. Jordan, Kirby Metoxen

DRAFT

Minutes prepared by Lisa Liggins, Information Management Specialist  
Minutes approved as presented on \_\_\_\_\_.

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Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE

### Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of the Community Development Planning Committee Charter

1. Meeting Date Requested: 9 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to adopt the resolution titled "Adoption of the Community Development Planning Committee Charter".

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



## Memorandum

To: Oneida Business Committee  
 From: Ernest Stevens III, CDPC Chair  
 Date: September 18, 2018  
 Re: Community Development Planning Committee Charter and New Oneida Nation Business Development for Economic and Revenue Diversification SOP

---

Included in the packet today for your consideration are the following:

1. **Community Development Planning Committee (CDPC) Charter**
  - *Resolution* titled "Adoption of the Community Development Planning Committee Charter"
  - *Statement of Effect* for the "Adoption of the Community Development Planning Committee Charter" Resolution.
  - *CDPC Charter* (Charter) draft approved by the CDPC on September 6, 2018.
  - *CDPC Creation Documents* approved by BC in 2009, for your reference.
2. **New Oneida Nation Business Development for Economic and Revenue Diversification SOP (SOP) (Separate BC Agenda item)**
  - *SOP* draft from the Community & Economic Development Division

### **2017-2018 CDPC Updates to Responsibilities**

At the beginning of the term, the CDPC continued work from the prior CDPC to update the CDPC creation documents to more accurately reflect the change in organizational structures and processes. These changes included identifying specific responsibilities for the collaboration of Community Development and the collaboration of Economic Development.

Since the work began on the Charter, an SOP was requested by the BC for processing economic and business venture requests. At recent BC work sessions, the BC requested the CDPC charter and the business venture SOP move in conjunction with each other and include a provision that business venture requests go to the BC for initial consideration prior to being considered by the CDPC. The CDPC has reviewed and approved the BC recommended changes to the draft CDPC Charter and draft SOP updates.

### **Requested action:**

Motion to adopt the resolution titled "Adoption of the Community Development Planning Committee Charter".

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

**BC Resolution # \_\_\_\_\_**

**Adoption of the Community Development Planning Committee Charter**

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Business Committee believes that the creation of Standing Committees with designated subject matter authority and responsibilities will aid in better understanding and be more responsive to membership and organizational needs and demands; and

**WHEREAS,** the Oneida Business Committee believes that the complexities of issues facing the Tribe from both internal and external factors requires a deeper understanding of those issues which can be obtained through the development of Standing Committees; and

**WHEREAS,** the Oneida Business Committee believes that members elected to the Oneida Business Committee bring a wealth of information and experience that can be better utilized through the focus of Standing Committees; and

**WHEREAS,** a standing committee of the Oneida Business Committee is not subject to the Comprehensive Policy Governing Boards, Committees and Commissions;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee, consistent with its delegated authority under the Constitution and laws of the Oneida Nation does hereby create the Community Development Planning Committee and adopts its Charter which identifies the members, and sets for the powers, and responsibilities of the Community Development Planning Committee.



## Statement of Effect

### *Adoption of the Community Development Planning Committee Charter*

#### **Summary**

The resolution adopts the Community Development Planning Committee Charter.

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

*Date: June 5, 2018*

#### ***Analysis by the Legislative Reference Office***

Through this resolution, the Oneida Business Committee, consistent with its delegated authority under the Constitution and laws of the Oneida Nation creates the Community Development Planning Committee and adopts its Charter which identifies the members, and sets for the powers, and responsibilities of the Community Development Planning Committee.

The Oneida Business Committee believes that the creation of Standing Committees with designated subject matter authority and responsibilities will aid in better understanding and be more responsive to needs of the membership organizational needs and demands.

The resolution states that a standing committee of the Oneida Business Committee is not subject to the Comprehensive Policy Governing Boards, Committees, and Commissions.

The Comprehensive Policy Governing Boards, Committees, and Commissions, most recently amended by the Oneida Business Committee through resolution BC-09-22-10-C does not specifically address the applicability of this law to standing committees of the Oneida Business Committee. The Comprehensive Policy Governing Boards, Committees, and Commissions defines an entity of the Nation as a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the General Tribal Council. [1 O.C. 105.3-1]. Since the Community Development Planning Committee is currently comprised of Oneida Business Committee members, and not comprised of individuals who were elected or appointed to serve on that committee, it may be inferred that the Community Development Planning Committee does not meet the definition of entity as prescribed by the Comprehensive Policy Governing Boards, Committees, and Commissions, and therefore is not subject to this policy.

This analysis does not include a review of Community Development Planning Committee Charter.

#### **Conclusion**

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

## CDPC CHARTER

The Community Development Planning Committee (CDPC), a standing committee reporting to the Oneida Business Committee, was established by the Oneida Business Committee on February 25, 2009<sup>i</sup>.

### Committee Purpose

The purpose of the CDPC is to improve the Oneida Nation community and operations by providing strategic planning support and oversight by ensuring coordination on matters involving plans for community development, economic development, housing, land use, and sustainability.

### Members

The CDPC will consist of a minimum of five (5) members from the Oneida Business Committee.

1. CDPC members will be selected during the liaison process at the beginning of a new term of the Oneida Business Committee.
2. Any of the Oneida Business Committee members not serving as a regular member may serve as an ad hoc member to establish a quorum.
3. Ad hoc members may participate in any CDPC meeting as a regular member and will have voting rights.
4. A Chair and Vice-Chair will be selected at the first CDPC meeting held after the new term of office begins for the Oneida Business Committee.

### General Responsibilities

1. Ensure projects and initiatives are prioritized and aligned with the Triennial Strategic Plan<sup>ii</sup>.
2. Act as a communication conduit to inform and educate the OBC on prioritized projects, including supporting recommended actions to the OBC for consideration, as needed.

3. Recommend and coordinate reviews and consultations of the Legislative Operating Committee, Quality of Life, Finance Committee, Land Commission, and any other boards, committees and commissions, as needed.
4. Request reports and updates, as needed, to ensure projects and initiatives are thoroughly reviewed and completed in accordance to requested timelines.
5. Assist in supporting recommendations for the annual fiscal year budget process.

### **Specific Responsibilities**

1. Collaboration of Community Development
  - a. Ensure coordination and collaboration of business units, boards, committees, and commissions, on matters involving the public works, utilities, transportation, roads, facilities management, utilities, housing, environment, and economic development as it relates to community development.
  - b. Review and evaluate all community development efforts, including making recommendations to the OBC as needed.
  - c. Review long-range and short-range planning of Tribal-related capital improvement projects and provide strategic planning support.
  - d. Ensure capital improvement project plans are consistent with the Triennial Strategic Plan<sup>iii</sup>.
  - e. Work jointly with the Community & Economic Development Division to create and recommend a Capital Improvement Plan for Enterprises and Government Services, as needed.
2. Collaboration of Economic Development
  - a. Ensure coordination of business units, boards, committees, and commissions, on matters involving economic development and business ventures.
  - b. Develop a standard operating procedure for receiving and processing business venture requests for vetting.
  - c. Review and make recommendations regarding economic and sustainability related strategies and initiatives.



## Meetings

1. Regular monthly meetings will normally be held on the 1<sup>st</sup> Thursday of each month.
2. Special meetings may be called as needed and shall be noticed in accordance with the Open Records and Open Meetings Law.
3. A quorum of three members<sup>iv</sup> is required to take official actions.
4. Work sessions may be scheduled as needed by request.

---

<sup>i</sup> 2/25/2009 BC Meeting: Motion by Patty Hoefft to approve re-initiating the Business Committee Planning meeting that will now become the Community Planning Committee starting on the first Thursday of every month, starting March 5, 2009 and that five Business Committee members be appointed today to serve on this Committee and that the draft standard procedures for the Committee that are presented, be adopted, seconded by Ed Delgado. Motion carried unanimously.

<sup>ii</sup> The Triennial Strategic Plan is determined by the OBC at the beginning of each OBC in accordance with the *Budget Management and Control 1-121.4 Strategic Planning*.

<sup>iii</sup> The Triennial Strategic Plan is determined by the OBC at the beginning of each OBC in accordance with the *Budget Management and Control 1-121.4 Strategic Planning*.

<sup>iv</sup> 11/9/2011 BC Meeting: Motion to approve CDPC Quorum Change from 5 BC members to 3 BC members.

**BUSINESS COMMITTEE AGENDA REQUEST FORM**

**FOR AGENDA 2-25-09**

SUBMITTED FOR : (CHECK ONE)

Information \_\_\_ Action X Approval \_\_\_ Follow Up \_\_\_ Exec Session \_\_\_

Submitted by: Trish King, Councilwoman Date: 2-23-09  
Oneida Business Committee Phone: \_\_\_\_\_

**SUMMARY**

**Request Approval of:**

- 1) Approve reinitiating the Business Committee Planning Meetings as the Community Planning Committee, Standing Committee of the OBC
- 2) Approve monthly meetings the 1<sup>st</sup> Thursday of every month, starting in March, 2009.
- 3) Approve and appoint 5 BC members to serve on this Committee.
- 4) Approve the draft rule for standard procedures and operations for the Community Development Planning Committee, Standing Committee of the Business Committee.

Business Committee Member Submission

Trish King  
Signature

2/23/09  
Date

MEMORANDUM

TO: Oneida Business Committee

FROM: Trish King, Councilwoman

cc: Bill Gollnick, COS  
Debbie Thundercloud, GM  
Paul Van Noie, CFO  
Louise Cornelius, IGGM

DATE: February 12, 2009

Subject: Reinitiate OBC Planning Standing Meetings

At the end of the February 11, 2009 OBC meeting, I was requested to draft a recommendation to reinstate the Business Committee Planning Meetings providing purpose, structure and responsibilities. More specifically, the purpose of these meetings would be to address concerns regarding community development. Such items for discussion would relate to the Tribe's smart growth plans, comprehensive plan, service agreements, roads, community development, zoning issues, jurisdictional issues and any ancillary issues that fall within these categories.

I am recommending the Standing Committee on Resources (SCR) (per the first structural draft-see attached) be responsible to manage an agenda that would rename the Standing Committee on Resources to the Community Planning Committee, Standing Committee of the OBC.

This is also an opportunity to improve OBC oversight responsibilities as was discussed during the 100 Day Plan sessions.

**Purpose:**

The Community Development Planning Committee would be responsible for oversight of the specific areas of operations of the Tribe. Namely, all business units within the areas of Environmental Health & Safety, Dept. of Land & Housing, Dept. of Public Works & Transportation, as well as oversight of boards, committees, and commissions related to those specific areas.

**Structure:**

The Community Development Committee will replace the OBC Planning meetings and shall be:

- a) Comprised of five (5) OBC members appointed by the OBC.
- b) Remaining 4 Business Committee members shall be adhoc.
- c) If necessary an adhoc can fill in for quorum purposes. A full quorum of 5 is required at all meetings in order to be considered a formal meeting of the Community Development Planning Committee.
- d) All decisions are made by majority vote.
- e) The JET Team and the Law Office should be directed to attend with their appropriate staff (Area Managers and Division Directors, Technical staff (dependant on agenda topics), and the Land Commission and Environmental Resources Board and any other board/committee/commission for these specific areas should also be invited to attend. The purpose for requesting these persons to be in attendance is to: 1) Have advice and technical resources available to the Committee for their decision making, and 2) create opportunities for more levels of our hierarchy to be a part and share in the responsibility of the Tribe's vision. The JET Team, Law Office, Land Commission and ERB shall provide input and guidance. (The Land Commission & ERB representatives will have to decide if they are stipend or not for this monthly meeting). Operational staff will be available for technical input and to understand the directions the government is making.

**Responsibilities :**

- a) All actions of the Community Development Planning Committee must be forwarded and approved at a Business Committee Meeting.
- b) Monthly meetings shall begin in March, 2009, 2-3 hours each, with a prescribed agenda that will align with one or all four of the strategic themes of Skat ni ku lat:
  - Economic Growth & Development - Strategic Result: Economic Security for the Tribe & its people.
  - Responsive/Responsible Government - Strategic Result: Effective and Efficient Governance that meets the needs of Onyote aka
  - Culture & Language - Strategic Results: Bring our language back to life and

strengthen Tsi ni yuk walihota for those faces yet to come.

- Quality of Life - Strategic Result: The mental, physical, social and mental well-being of Oneida people.
- c) Any legislative issues within these areas of responsibility must first be addressed through the Community Development Planning Committee, and forwarded to the Legislative Operating Committee to complete the legislative process in accordance with the Administrative Procedures Act.
  - d) Any other type of requests, concerns or considerations, must be considered by the Community Development Planning Committee prior to being addressed by the OBC. Or, the OBC shall refer such requests for review and consideration prior to taking any action.

Following is a brief overview of how to get started, followed by a draft agenda, and draft Committee procedures for your review and consideration.

Initial Process:

- 1) The Community Development Committee will be comprised of 5 regular BC members. The Tribal Chair and Vice Chair will be adhoc members, as well as the other two BC members.
- 2) Meetings shall be held the first Thursday of every month.
- 3) General Manager will provide a list of business unit representatives and the Chief of Staff shall provide a list of Boards/Committees/Commissions to participate with these meetings.
- 4) Secretary's staff will prepare agendas and material packets per the Chairman of the Community Development Planning Committee.
- 5) Secretary's staff will keep minutes and track issues.
- 6) Community Development Planning Committee will provide the following on a regular basis to the OBC:
  - a) Action items needing OBC action will be pulled from the Minutes and presented to the Business Committee as needed.
  - b) Monthly Reports of their activities
  - c) Meeting Minutes

Community Development Planning Meeting  
Agenda  
9:00 A.M., March 5, 2009  
Business Committee Conference Room

Present:

Absent:

1. Welcome
2. Introductions
3. Overview of meeting purpose, structure and outcomes
4. Election of Community Planning Committee Officers
5. Call the Meeting to Order
6. Approve the Agenda
7. Old Business
8. New Business
  - a. Oneida Reservation Comprehensive Plan Updates
  - b. Review the proposed land policy framework working draft
  - c. Review the proposed Downtown Oneida master area development plan
  - d. Review reservation housing plan
  - e. Assisted Living/Elderly Housing area development update
9. Reports
  - a. Environmental Resources Board
  - b. Division of Land Management
  - c. Environmental, Health & Safety Division
  - d. Development Division
  - e. Oneida Housing Authority
10. Other issues germane to this agenda
  - a.
  - b.
11. Executive Session
  - a. Land Commission report on status of 20/20 land acquisition plan.

**Community Development Planning Committee Rules**

- (1) The purpose of this rule is to define the structure, purposes and duties of the Community Development Planning Committee, Standing Committee of the Business Committee. All matters pertaining to standing committee organization and membership and responsibilities shall be construed in favor of the declared will of the Business Committee in these rules, consistent with the intent in Article IV of the Oneida Tribe Constitution and By-Laws.
- (2) The Community Development Planning Committee shall have the duty and responsibility to:
  - Act as the policy oversight committee for the business units within the following divisions:
    - Division of Land Management
    - Development Division
    - Environmental, Health & Safety Division
    - Oneida Housing Authority
    - Oneida Housing Taskforce
  - Act as the policy oversight committee for the:
    - Environmental Resource Board
    - EPA Regional representation
    - Great Lakes Water Accord
    - Indian Reservation Roads program
    - Land Commission
    - Natural Resource Damage Assessment Trustee
    - Wisconsin Coastal Management Council
    - Wisconsin Housing & Economic Development Authority
    - Wisconsin Tribal Conservation Advisory Council
- (3) Coordinate all policy matters relating to land use (agriculture, soil, water, conservation, residential) in cooperation with any interested governmental agency.
- (4) Review the annual budget with regard to areas of policy oversight assigned to this committee and make recommendations to the Business Committee at the annual fiscal year budget for the Business Committee's consideration and adoption.
- (5) Act as the committee for the review of: contracts with the United States government or any agency thereof, contracts with the State of Wisconsin or any agency thereof.
- (6) Review long-range and short-term planning of tribal-related capital improvement projects.

- (7) Develop, review and make recommendations to the Legislative Operating Committee on proposals for legislation and administrative rules on areas of policy oversight assigned to this committee.
- (8) Any resolutions, policy, ordinance or proposal recommended by the Community Development Planning Committee shall include a financial report from the Chief Financial Officer, when applicable and prior to submitting to the LOC or the Business Committee.



### Oneida Business Committee Agenda Request

Adopt resolution entitled 2018 Intertribal Buffalo Council, Buffalo Herd Development Grant

1. Meeting Date Requested: 09 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution entitled 2018 Intertribal Buffalo Council, Buffalo Herd Development Grant

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Donald M Miller, Technical Writer, Grants Department  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Jeff Scofield, Agriculture Director  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

The Oneida Farm annually applies for and receives the InterTribal Buffalo Council (ITBC) Herd Development Grant. In varying amounts the ITBC has financially supported the Oneida Nation's efforts to develop and maintain the Oneida Buffalo herd as a source of nutritional food and a support for Oneida food sovereignty. As a means of demonstrating community and tribal support for this project this grant requires that a Tribal Resolution be included with the application.

We request that the Oneida Business Committee adopt a resolution in support of this grant application.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

## GRANT PROPOSAL AUTHORIZATION FORM

ONEIDA GRANTS OFFICE

PH: (920) 496-7330 FAX: (920) 496-7494

**Form instructions:** Double click on the grey area; a drop down called "form field option box" box will appear. In the "items drop-down list" click on which one you want; then click on the "up" arrow move it to the top and click on ok. In the reporting area: Double click on the box you want to put an "x" in. A "check box form field" box will appear, in "under default value" click on "checked" then ok.

## PROGRAM INFORMATION

Department: Oneida Farm	Division/Non-Division:	
Program: 7 <sup>th</sup> Generation Buffalo Herd	Program Accountant: Lori Hansen	
Person Responsible for proposal development: Jeff Scofield		Phone: (920) 833-7952
Person Responsible for grant administration: RaLinda Ninham-Lamberies		Phone: (920) 869-4242
Project Title: The Oneida Buffalo Project 2018		

## GRANT INFORMATION

Name of Funding Source: InterTribal Buffalo Council		Type (pick one): Grant
Title of Grant: 2018 ITBC – letter of interest		CFDA No: N/A
LOI Deadline: May 1 <sup>st</sup> , 2018		Grant Amount: \$70,000.00
Project Period: 12 months	Budget Period: 12 months	Type of Project(pick one): Development
Match Requested (% or \$): \$0		Match Type (pick one): N/A
Is a Tribal resolution required? If yes, please notify Grants Office immediately. No		
Will this grant create a: New position No Committee No Commission No Board No		
Will this grant fund an existing position? No Name of Position(s):		
If YES, attach draft job description for all grant funded positions. <b>PLEASE NOTE: Position/employee will be phased out when grant funding ends.</b>		

**Project Proposal Summary (must answer all these questions):** The purpose, benefit(s), where is the match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information:

List any capital expenditures (cap ex), technology expenses & CIP purchases (NOTE: Must follow the appropriate Cap ex, CIP or Technology SOP for each purchase request.): NONE

**Vendors:** Verified that Vendors contracted with are NOT suspended/debarred: Yes  No  NA

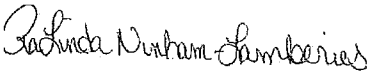
\*Prior to entering into contracts with vendors, they will be cross referenced at [www.sam.gov](http://www.sam.gov) to ensure the vendors are not suspended or debarred.


**Reporting:** Quarterly  Semi-Annually  Yearly  Narrative  Financial

SIGNATURES

Your signature authorizes the person responsible for proposal development to work with the Grants Office when applying for funding and acknowledges your responsibility to successfully administer all requirements of this grant throughout the project period and budget period.

 4-23-18  
1. Supervisor Signature Date  
SIGNATURE VERIFIES & APPROVES MATCH

  
Digitally signed by RaLinda Ninham-Lamberies  
DN: cn=RaLinda Ninham-Lamberies, o=Oneida Tribe of Indians  
of WI, ou=Finance Admin, email=rlamberi@oneidanation.org,  
c=US  
Date: 2018.04.23 11:07:19 -05'00'  
4. Division/Non-Division Director Signature Date  
SIGNATURE APPROVES GRANT PROJECT & MATCH

 4-30-18  
5. Grants Office Signature Date  
FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 12/19/16

GO-001



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



To: Arnell Abold – ITBC Executive Director  
 InterTribal Buffalo Council  
 2497 West Chicago St.  
 Rapid City, SD 57702

Dear Mr. Abold:

The Oneida Nation submits this one page concept paper to the ITBC as a pre-requisite for application eligibility for the 2018 ITBC Herd Development Grant.

**Date Submitted:** May 1, 2018 – Project Title: **The Oneida Buffalo Project 2018**

**Coordinator/Department:** Jeff Scofield, Oneida Agricultural Director / Oneida Farm

**Contact Person(s):** Marlene Westgor, Administrative Assistant (920) 833-7952; [farm@oneidanation.org](mailto:farm@oneidanation.org)

Donald Miller, Grants Office (920) 496-7329; [dmillerl@oneidanation.org](mailto:dmillerl@oneidanation.org)

**Project Cost:** \$70,000

**Goal:** The goal of the Oneida Buffalo Project 2018 is to ensure the health, well-being and continued growth of the Oneida Buffalo herd through optimal herd maintenance, respect and care.

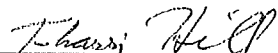
With the support of the ITBC the Oneida Seventh Generation Buffalo Herd has continued to build on the success of previous years. We have maintained our herd size at maximum allowable and increased the amount of meat available to the community through increased contributions to various community programs and by increasing the amount that we can offer for sale to the community which has increased 3 fold. Our continuing goals are: maintaining a healthy and growing herd; improved safety for the herd and our employees; supporting tribal culture; providing the Oneida community with a nutritious source of locally grown food; and supporting the food sovereignty efforts of the Oneida Nation.

To achieve these goals we propose the following:

1. Improving the buffalo enclosure, through increased maintenance, repair and replacement of deteriorated fencing, gates, and culverts.
2. Continuing to provide quality veterinary services including vaccinations, minerals and medicines.
3. Planting new forage for grazing and increased pasture care.
4. Purchasing a new feed storage bag and buffalo care and farm equipment.
5. Additionally, the Oneida Farm will continue to support the Oneida Community's healthy foods initiatives with donations of high quality buffalo meat to Oneida cultural events, the Oneida School system, elder meals service, the Oneida emergency food pantry, and by providing buffalo meat for sale to the Oneida community.

**Need:** These efforts will improve herd health, increase demand and the availability of buffalo products, increase farm revenue, support tribal food security, and help combat the diabetes epidemic afflicting the Oneida community.

**Social significance of the Buffalo:** The importance of Tsy?Nekli Yaku (The Great Grass Eater) to the Oneida People is intergenerational, representing our connection to Tsi Niyukwalihota (Our Ways), our cultural-selves, our traditions and our origins. The buffalo herd serves as a symbol of our sovereignty, our traditional past and our hopes for the future, and it supports our tribal goal of passing our cultural traditions, and our origins on to the seventh generation.

  
 Tehassi Hill – Tribal Chairman

4-25-2018  
 Date

# Oneida Nation

Post Office Box 365

Phone: (920) 869-2214  
Oneida, WI 54155



**BC Resolution # \_\_\_\_\_**  
**2018 Intertribal Buffalo Council, Buffalo Herd Development Grant**

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Nation has determined that the overall goal of the Oneida Nation is to protect, maintain and improve the standard of living and the environment in which the Oneida people live; and

**WHEREAS,** the Oneida Buffalo Herd Development Project promotes food sovereignty and self-sufficiency and is an integral component of the Oneida Community Integrated Food System (OCIFS) because it provides high quality, hormone-free, traditional bison meat products for the improved health and well-being of the Oneida Community; and

**WHEREAS,** the Oneida Nation is committed to maintaining long-term support for the Oneida Buffalo Herd Development Project; and

**WHEREAS,** The Oneida Business Committee has on several occasions in the past, on behalf of the Oneida Nation, expressed their support through resolutions for similar grant applications and the InterTribal Buffalo Council; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation authorizes and supports the Oneida Farm's submission of a grant application to the InterTribal Buffalo Council for the purposes of restoring and supporting the Oneida Buffalo Herd Development Project in a manner that is culturally, ecologically and economically self-sustaining, and supportive of the Oneida Nations nutritional goals and community health. The official Tribal representative to the InterTribal Buffalo Council shall be Jeff Scofield, Agricultural Director and his alternate shall be Ralinda Ninham-Lamberies, Assistant Chief Financial Officer.

Adopt resolution ~~Onida Business Committee Agenda Request~~ **Onida Business Committee Agenda Request** Governing Boards, Committees, a

1. Meeting Date Requested:   9   /  26  /  18 

**2. General Information:**

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Consider the adoption of the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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


- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)





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



TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson   
 DATE: September 26, 2018  
 RE: Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions

---

Please find the following attached backup documentation for your consideration of the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions:

1. Resolution: Amendments to the Comprehensive Policy Governing, Boards, Committees, and Commission
2. Statement of Effect: Amendments to the Comprehensive Policy Governing, Boards, Committees, and Commission
3. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments Legislative Analysis
4. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (Redline)
5. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (Clean)
6. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments Fiscal Impact Statement

#### *Overview*

This resolution adopts proposed amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions. The amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions will:

- Amend the name of this law from “Comprehensive Policy Governing Boards, Committees, and Commissions” to “Boards, Committees, and Commissions law;”
- Provide guidelines for the creation of a board, committee, or commission [1 O.C. 105.4];
- Update the information required to be included on an application and the process for submitting an application [1 O.C. 105.5];
- Revise how vacancies on a board, committee, and commission are handled, and allow for an individual to remain in office until the member’s successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the entity [1 O.C. 105.6];
- Update the appointment selection process to provide for more efficient and effective selections [1 O.C. 105.7];

- Require that oaths of office be taken at Oneida Business Committee meeting and update the oath of office [1 O.C. 105.9];
- Expand the information that boards, committees, and commissions are required to include in their bylaws [1 O.C. 105.10];
- Provide a process for electronic polling, if a board, committee, or commission decides to use electronic polling [1 O.C. 105.11];
- Expand the reporting requirements of boards, committees, and commissions to include requirements regarding standard operating procedures, quarterly reports to the Oneida Business Committee, and annual and semi-annual reports to the General Tribal Council [1 O.C. 105.12];
- Provide detailed information on what stipends or compensation is available for members of boards, committees, and commissions, and state that Oneida Business Committee shall set specific stipend amounts by resolution [1 O.C. 105.13];
- Address how confidential information is handled by boards, committees, and commissions, including the addition of a requirement for board, committee, and commission members to be provided an official Oneida e-mail address to conduct business of the board, committee, and commission on [1 O.C. 105.14];
- Simplify the information provided in the law regarding conflicts of interest clarify that due to the potential for a real or perceived conflict of interest to exist, political appointees shall not serve on an appointed or elected board, committee, or commission [1 O.C. 105.15];
- Require that the dissolution of a board, committee, or commission be noticed to the board, committee, or commission [1 O.C. 105.17]; and
- Provide greater detail on how violations of this law may be enforced [1 O.C. 105.18].

Additional minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements.

Throughout the development of the amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions the Legislative Operating Committee has focused on improving collaboration and public outreach.

The Legislative Operating Committee held two (2) work meetings specifically for all boards, committees, and commissions of the Nation to attend for the purpose of sharing ideas and concerns regarding the law. Twelve (12) of the eighteen (18) boards, committees, and commissions of the Nation participated during the legislative process and provided valuable input that was used in the development of the amendments. The boards, committees, and commissions that participated in the legislative process included: Environmental Resource Board, Oneida Police Commission, Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Election Board, Oneida Land Claims Commission, Oneida Trust Enrollment Committee, Oneida Veterans Affairs Committee, Oneida Gaming Commission, Oneida Pow-wow Committee, Oneida Land Commission, Oneida Library Board.

The Legislative Operating Committee held additional work meetings with the Business Committee Support Office, Records Management Department, and the Management Information System Department.

In accordance with the Legislative Procedures Act, a public meeting on the proposed amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions was held on June 21, 2018. Thirteen (13) people attended the public meeting with eight (8) people providing oral comments. The public comment period closed on June 28, 2018. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All comments public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on July 18, 2018. Any changes made based on those comments have been incorporated into this draft.

Overall, two hundred and eighty one (281) comments were collected from those individuals directly impacted by the amendments to the Comprehensive Policy Governing Boards, Committees, through various work meetings, the public meeting, and the public comment period.

**Requested Action**

Approve the Resolution: Amendments to the Comprehensive Policy Governing, Boards, Committees, and Commission.



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



## BC Resolution # \_\_\_\_\_

### Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Comprehensive Policy Governing Boards, Committees, and Commissions (“the Law”) was adopted by the Oneida Business Committee through resolution BC-05-14-97-F and amended by resolutions BC-09-27-06-E, and BC-09-22-10-C; and

**WHEREAS,** the purpose of the Law is to govern boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions; and

**WHEREAS,** the amendments to this Law change the name from “Comprehensive Policy Governing Boards, Committees, and Commissions” to “Boards, Committees, and Commissions law”; and

**WHEREAS,** the amendments to this Law provide guidelines for the creation of a board, committee, or commission; and

**WHEREAS,** the amendments to this Law update the information required to be included on an application and the process for submitting an application; and

**WHEREAS,** the amendments to this Law revise how vacancies on a board, committee, and commission are handled, and allow for an individual to remain in office until the member’s successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the entity; and

**WHEREAS,** the amendments to this Law update the appointment selection process to provide for more efficient and effective selections; and

**WHEREAS,** the amendments to this Law require that oaths of office be taken at Oneida Business Committee meeting, and provide for an updated oath of office; and

**WHEREAS,** the amendments to this Law expand the information that boards, committees, and commissions are required to include in their bylaws; and

BC Resolution # \_\_\_\_\_  
Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions  
Page 2 of 3

- 44 **WHEREAS,** the amendments to this Law provide a process for electronic polling, if a board,  
45 committee, or commission decides to use electronic polling; and  
46
- 47 **WHEREAS,** the amendments to this Law expand the reporting requirements of boards, committees,  
48 and commissions to include requirements regarding standard operating procedures,  
49 quarterly reports to the Oneida Business Committee, and annual and semi-annual reports  
50 to the General Tribal Council; and  
51
- 52 **WHEREAS,** the amendments to this Law provide detailed information on what stipends or  
53 compensation is available for members of boards, committees, and commissions, and  
54 state that Oneida Business Committee shall set specific stipend amounts by resolution;  
55 and  
56
- 57 **WHEREAS,** the amendments to this Law address how confidential information is handled by boards,  
58 committees, and commissions, including the addition of a requirement for board,  
59 committee, and commission members to be provided an official Oneida e-mail address to  
60 conduct business of the board, committee, and commission on; and  
61
- 62 **WHEREAS,** the amendments to this Law simplify the information provided in the law regarding  
63 conflicts of interest and clarify that due to the potential for a real or perceived conflict of  
64 interest to exist, political appointees shall not serve on an appointed or elected board,  
65 committee, or commission; and  
66
- 67 **WHEREAS,** the amendments to this Law provide additional notice requirements for the dissolution of  
68 a board, committee, or commission; and  
69
- 70 **WHEREAS,** the amendments to this Law provide greater detail on how violations of this Law may be  
71 enforced; and  
72
- 73 **WHEREAS,** the amendments to this Law make other minor drafting revisions and updates; and  
74
- 75 **WHEREAS,** a public meeting on the proposed amendments to this Law was held on June 21, 2018, in  
76 accordance with the Legislative Procedures Act, and the public comments were reviewed  
77 and accepted by the Legislative Operating Committee on July 18, 2018 ; and  
78
- 79 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee sets forth the following in  
80 regards to the implementation of this resolution:  
81
- 82 1. *Informational Bylaws Meetings.* Section 105.10-1(a) of the Law requires that all existing boards,  
83 committees, and commissions of the Nation comply with the bylaw format prescribed in the Law  
84 and present bylaws for adoption within a reasonable time after adoption of this Law. Within thirty  
85 (30) days, the Legislative Reference Office shall provide at least two (2) informational bylaw  
86 meetings with the various boards, committees, and commissions of the Nation. The purpose of  
87 the informational bylaws meetings will be for the Legislative Reference Office to:
    - 88 a. provide an update on the revised bylaw requirements as a result of the amendments to  
89 the Law;
    - 90 b. provide a template for the development of revised bylaws; and
    - 91 c. offer assistance to boards, committees, and commissions in the development and  
92 drafting of updated bylaws.
  - 93 2. *Official Oneida Nation E-Mail Addresses.* Section 105.14-3 of the Law requires that each  
94 member of a board, committee, or commission be provided an official Oneida e-mail address  
95 upon election or appointment for the purpose of conducting business of the entity electronically.

BC Resolution # \_\_\_\_\_

Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions  
Page 3 of 3

- 96 The Management Information System Department shall have six (6) months from the adoption of  
97 the Fiscal Year 2019 budget to provide an official email address to all members of a board,  
98 committee, or commission of the Nation.  
99
- 100 3. *Oneida Business Committee's Political Appointees.* Due to the potential for a real or perceived  
101 conflict of interest to exist, section 105.15-3 of this Law requires that an individual who serves as  
102 a political appointee to an Oneida Business Committee member shall not simultaneously serve  
103 on an appointed or elected board, committee, or commission.
- 104 a. *Current Political Appointees on Elected Boards, Committees, and Commissions.* All  
105 political appointees of the Oneida Business Committee that are currently simultaneously  
106 serving on an elected board, committee, or commission of the Nation shall be allowed to  
107 complete his or her term.
- 108 b. *Political Appointee Job Descriptions.* The Nation's Human Resources Department shall  
109 update the job descriptions for Oneida Business Committee political appointee positions  
110 to include a reference to the requirement that a political appointee of an Oneida Business  
111 Committee member shall forgo serving on an elected or appointed board, committee, or  
112 commission of the Nation.

113 **BE IT FINALLY RESOLVED**, that the amendments to the Comprehensive Policy Governing Boards,  
114 Committees, and Commissions are hereby adopted and shall be effective October 10, 2018.  
115  
116



## Statement of Effect

*Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions*

### Summary

This resolution adopts amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions.

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

*Date: September 19, 2018*

### Analysis by the Legislative Reference Office

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. This resolution adopts amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions, which comply with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Comprehensive Policy Governing Boards, Committees, and Commissions was adopted by the Oneida Business Committee for the purpose of governing boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 O.C. 105.1-1].

The amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions will:

- Amend the name of this law from “Comprehensive Policy Governing Boards, Committees, and Commissions” to “Boards, Committees, and Commissions law;”
- Provide guidelines for the creation of a board, committee, or commission [1 O.C. 105.4];
- Update the information required to be included on an application and the process for submitting an application [1 O.C. 105.5];
- Revise how vacancies on a board, committee, and commission are handled, and allow for an individual to remain in office until the member’s successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the entity [1 O.C. 105.6];
- Update the appointment selection process to provide for more efficient and effective selections [1 O.C. 105.7];
- Require that oaths of office be taken at Oneida Business Committee meeting and update the oath of office [1 O.C. 105.9];

- Expand the information that boards, committees, and commissions are required to include in their bylaws [1 O.C. 105.10];
- Provide a process for electronic polling, if a board, committee, or commission decides to use electronic polling [1 O.C. 105.11];
- Expand the reporting requirements of boards, committees, and commissions to include requirements regarding standard operating procedures, quarterly reports to the Oneida Business Committee, and annual and semi-annual reports to the General Tribal Council [1 O.C. 105.12];
- Provide detailed information on what stipends or compensation is available for members of boards, committees, and commissions, and state that Oneida Business Committee shall set specific stipend amounts by resolution [1 O.C. 105.13];
- Address how confidential information is handled by boards, committees, and commissions, including the addition of a requirement for board, committee, and commission members to be provided an official Oneida e-mail address to conduct business of the board, committee, and commission on [1 O.C. 105.14];
- Simplify the information provided in the law regarding conflicts of interest clarify that due to the potential for a real or perceived conflict of interest to exist, political appointees shall not serve on an appointed or elected board, committee, or commission [1 O.C. 105.15];
- Require that the dissolution of a board, committee, or commission be noticed to the board, committee, or commission [1 O.C. 105.17]; and
- Provide greater detail on how violations of this law may be enforced [1 O.C. 105.18].

Additional minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements.

In accordance with the LPA, a public meeting on the proposed amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions was held on June 21, 2018. Thirteen (13) people attended the public meeting with eight (8) people providing oral comments. The public comment period closed on June 28, 2018. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All comments public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on July 18, 2018. Any changes made based on those comments have been incorporated into this draft.

### ***Conclusion***

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





## Amendments to Comprehensive Policy on Boards, Committees and Commissions Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: LOC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa Santiago	ANALYST: Brandon Wisneski
<b>Intent of the Amendments</b>	When added to the Active Files list in 2013, the original intent of the amendments was to prohibit individuals from serving on multiple boards, committees and commissions at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions. Over time, the intent has changed. The current intent of the amendments is set new standards for entity bylaws, update reporting requirements, update the appointment process to increase feedback from entities and BC members, set a procedure for the creation of new entities, create a standard e-poll process, require official email addresses for members of entities, prohibit the BC's political appointees from serving on entities, set new limitations and requirements for stipends, and allow the Business Committee to set stipend amounts by resolution, among other changes.		
<b>Purpose</b>	To govern the procedures regarding boards, committees and commissions of the Nation, including appointment and election, creation of bylaws, maintenance of official records, and compensation. <i>[see Boards, Committees and Commissions, 1 O.C. 105.1-1]</i>		
<b>Affected Entities</b>	Anyone serving on a Board, Committee or Commission of the Nation. Anyone applying to serve on a Board, Committee, or Commission of the Nation. Political appointees, such as legislative assistants. This law references the duties of the Business Committee Support Office, the Nation's Secretary, the Nation's Chairperson, the Oneida Election Board, Management Information Service (MIS) Department, and Records Management Department. This law does not apply to the Oneida Business Committee, Standing Committees or Tribal corporations.		
<b>Affected Legislation</b>	Election law, Removal law, Conflict of Interest law, Code of Ethics, Computer Resources Ordinance, Social Media Policy, Travel and Expense Policy, Oneida Nation Gaming Ordinance, and bylaws of all boards, committees and commissions of the Nation.		
<b>Enforcement/Due Process</b>	A member of an entity that violates this law may be subject to sanctions and penalties in accordance with any laws and policies of the Nation governing sanctions and penalties. A member of an elected entity may be subject to removal pursuant to the Removal Law. A member of an appointed entity may be subject to termination of appointment by the Oneida Business Committee. <i>[see Boards, Committees and Commissions, 1 O.C. 105.17]</i>		
<b>Public Meeting</b>	A public meeting was held on June 21, 2018.		

### 1 SECTION 2. LEGISLATIVE DEVELOPMENT

- 2 A. The Comprehensive Policy Governing Boards, Committees and Commissions was first adopted by  
3 the Oneida Business Committee on August 2, 1995, and was most recently amended by the Business  
4 Committee on September 27, 2006.

- 5 **B.** These amendments set new standards for entity bylaws, update reporting requirements, update the  
6 appointment process to increase feedback from entities and BC members, set a procedure for the  
7 creation of new entities, create a standard e-poll process, require official email addresses for members  
8 of entities, prohibit the BC’s political appointees from serving on entities, set new limitations and  
9 requirements for stipends, and allow the Business Committee to set stipend amounts by resolution,  
10 among other changes.
- 11 **C.** The following chart lists the Boards, Committees and Commissions of the Nation that are governed  
12 by this law. This law does not apply to the Oneida Business Committee, Standing Committees of the  
13 Nation, or Tribal Corporations.  
14

ELECTED	APPOINTED
<ul style="list-style-type: none"> <li>▪ Oneida Election Board</li> <li>▪ Oneida Gaming Commission</li> <li>▪ Oneida Land Claims Commission</li> <li>▪ Oneida Land Commission</li> <li>▪ Oneida Nation Commission on Aging (ONCOA)</li> <li>▪ Oneida Nation School Board</li> <li>▪ Trust Enrollment Committee</li> </ul>	<ul style="list-style-type: none"> <li>▪ Anna John Resident Centered Care Community Board (AJRCC)</li> <li>▪ Environmental Resource Board (ERB)</li> <li>▪ Oneida Community Library Board</li> <li>▪ Oneida Nation Arts Board</li> <li>▪ Oneida Police Commission</li> <li>▪ Oneida Pow Wow Committee</li> <li>▪ Oneida Nation Veterans Affairs Committee (ONVAC)</li> <li>▪ Pardon and Screening Forgiveness Committee</li> <li>▪ Personnel Selection Committee*</li> <li>▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)</li> </ul>

15 *\*Note: On August 27, 2018, GTC rescinded the dissolution of the Personnel Commission. It is*  
16 *expected that the re-established Personnel Commission will be subject to this law.*  
17

18 **SECTION 3. CONSULTATION AND OUTREACH**

- 19 **A.** The Business Committee Support Office, Records Management, Management Information Services  
20 (MIS) Department and representatives from the following Boards, Committees and Commissions  
21 were consulted in the development of this law: Environmental Resource Board, Police Commission,  
22 Oneida Nation Commission on Aging, Oneida Nation School Board, Oneida Election Board, Oneida  
23 Land Claims Commission, Trust Enrollment Committee, Oneida Veterans Affairs Committee,  
24 Gaming Commission, Pow-wow Committee, Land Commission, Oneida Library Board. All boards,  
25 committees and commissions were invited to participate in two work meetings scheduled outside of  
26 normal business hours to meet their needs.
- 27 **B.** The Election Law, Removal Law, Conflict of Interest Law, Code of Ethics, Computer Resources  
28 Ordinance, Social Media Policy, Travel and Expense Policy, and Oneida Nation Gaming Ordinance  
29 were reviewed in drafting this analysis. In addition, the following bylaws were reviewed: Oneida  
30 Election Board, Oneida Land Claims Commission, Oneida Land Commission, ONCOA, Oneida  
31 Nation School Board, Trust Enrollment Committee, Anna John Resident Centered Care Community  
32 Board, Finance Committee, Arts Board, Audit Committee, Environmental Resource Board, Oneida  
33 Community Library Board, ONVAC, Pardon and Forgiveness Screening Committee, Police  
34 Commission, Pow-wow Committee and Southeastern WI Oneida Tribal Services Advisory Board  
35 (SEOTS).  
36

**SECTION 4. PROCESS**

- 37
- 38 A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- 39 B. The law was originally added to the Active Files List on April 3, 2013 and has been carried over from
- 40 the previous two terms. The law was re-added to the Active Files List on September 17, 2014 and
- 41 again on September 6, 2017.
- 42 C. At the time this legislative analysis was developed, the following work meetings were held/scheduled
- 43 regarding the most recent efforts to develop this law and legislative analysis:
- 44     ▪ September 6, 2017: LOC work meeting.
- 45     ▪ September 21, 2017: LOC, BC Support Office, and representatives from the following Boards,
- 46         Committees and Commissions: Election Board, Environmental Resource Board, Land Claims
- 47         Commission, Police Commission, ONCOA, and Trust Enrollment. In addition, the Oneida Nation
- 48         School Board submitted written comments.
- 49     ▪ October 2, 2017: BC Support Office
- 50     ▪ October 27, 2017: LOC work meeting.
- 51     ▪ February 2, 2018: LOC work meeting.
- 52     ▪ February 22, 2018: LOC, BC Support Office, and representatives from the following Boards,
- 53         Committees and Commissions: Election Board, Gaming Commission, Land Commission, Library
- 54         Board, ONCOA, ONVAC, Police Commission, Pow-wow Committee, and Trust Enrollment. In
- 55         addition, Environmental Resource Board submitted written comments.
- 56     ▪ March 2, 2018: LOC work meeting.
- 57     ▪ March 21, 2018: BC Support Office and Oneida Management Information Services (MIS)
- 58     ▪ April 11, 2018: BC Support Office and MIS
- 59     ▪ May 2, 2018: LOC work meeting.
- 60     ▪ June 6, 2018: LOC work meeting.
- 61     ▪ June 20, 2018: LOC work meeting.
- 62     ▪ July 18, 2018: LOC work meeting.
- 63     ▪ August 13, 2018: LOC work meeting.
- 64

**SECTION 5. CONTENTS OF THE LEGISLATION**

- 65
- 66 A. **Title.** The title of the law has been changed from “Comprehensive Policy on Boards, Committees and
- 67     Commissions” to “Boards, Committees and Commissions.”
- 68 B. **Creation of an Entity.** This new provision outlines a standard procedure for the creation a new
- 69     board, committee or commission. Boards, committees or commissions must be created by adoption of
- 70     a law or resolution by the Oneida Business Committee (OBC) or General Tribal Council (GTC). The
- 71     law or resolution must include the purpose, powers and responsibilities of the entity. The Oneida
- 72     Business Committee is responsible for drafting the initial bylaws when a new entity is created. This is
- 73     because a newly created board will not have any members. Once board members are appointed, they
- 74     may revise their bylaws in accordance with this law [*see Boards, Committees and Commissions, 1*
- 75     *O.C. 105.4*].
- 76 C. **Applications.** The application form to serve on a board, committee or commission must be approved
- 77     by the Oneida Business Committee. The application form must include a conflict of interest
- 78     disclosure. A statement has been added to the application form explaining attendance requirements.
- 79     The intent is to ensure applicants are aware of these requirements when they apply. Application
- 80     materials will be made available in the Business Committee (BC) Support Office.

- 81       ▪ *Background Investigation Application.* For entities that require a background check, an additional  
82 application form will now be required. This background application form will include social  
83 security number and any other information required to conduct a background investigation. The  
84 background investigation application will not be shared with the Oneida Business Committee,  
85 entity or Election Board. The intent is to keep this personal information separate from the main  
86 application materials. Currently, only Oneida Gaming Commission and Oneida Police  
87 Commission require background checks [see *Boards, Committees and Commissions, 1 O.C.*  
88 *105.5-1(b)*].
- 89       ▪ Completed applications must be submitted by 4:30 p.m. on the deadline date. Applications may  
90 be mailed as long as they are postmarked by the deadline date and received by the Business  
91 Committee Support Office within 5 business days of the deadline [see *Boards, Committees and*  
92 *Commissions, 1 O.C. 105.5-2*].

93 **D. Vacancies.** This section describes the process for filling vacancies.

- 94       ▪ *Appointments to Fill Vacancies on Elected Entities.* Individuals appointed to fill a vacancy on an  
95 elected entity will be considered an appointed official for the purposes of this law. This means  
96 that the appointed official may have their appointment terminated by the OBC, regardless of  
97 whether they serve on an elected board. [see *Boards, Committees and Commissions, 1 O.C.*  
98 *105.6-1*].
- 99       ▪ *Serve until Successor Appointed.* A new provision was added to allow members to remain in  
100 office until their successor has been sworn in. This provision was added to ensure that entities can  
101 still maintain a quorum while they wait for new appointments to be processed [see *Boards,*  
102 *Committees and Commissions, 1 O.C. 105.6-2(a)(1)*].
- 103       ▪ *Resignations.* Previously, officials could resign by delivering a resignation letter to the entity’s  
104 chairperson or by verbally resigning during a meeting. The process for resignation letters has  
105 been changed to require officials to submit their letter to both the entity’s chairperson and to the  
106 BC Support Office. This is to ensure that the BC Support Office is aware of resignations as soon  
107 as they occur, so that vacancies can be posted and filled in a timely manner [see *Boards,*  
108 *Committees and Commissions 1 O.C. 105.6-2(d)*].
- 109       ▪ Entities must notify the BC Support Office of vacancies as soon as they learn the position will  
110 become vacant [see *Boards, Committees and Commissions, 1 O.C. 105.6-3*]. This section also  
111 specifies when the BC Support Office must post notice of vacancies [see *Boards, Committees and*  
112 *Commissions, 1 O.C. 105.6-4*]. Notice of vacancies will be posted by the BC Support Office in all  
113 official media outlets of the Nation, as determined by the Oneida Business Committee. This  
114 currently includes the Kalihwisaks and the Nation’s website [see *Boards, Committees and*  
115 *Commissions, 1 O.C. 105.6-5*].

116 **E. Appointment to an Entity.** This section describes the process for appointment to an entity.

- 117       ▪ *Current Process.* Under current law, all applications are delivered to the Nation’s chairperson.  
118 The chairperson selects an applicant “within a reasonable time” and the appointment is voted on  
119 by the Oneida Business Committee. Currently, the chairperson is under no obligation to consult  
120 with OBC members prior to making an appointment, and there is no timetable for when the  
121 appointment must be made.
- 122       ▪ *Proposed Process.* In this proposed law, the appointment process has been modified to provide  
123 individual OBC members and the entity’s chairperson an opportunity to review applications and  
124 offer recommendations. In addition, this law requires the BC Support Office to place

125 appointments on the executive session portion of the agenda for the next BC meeting, to ensure a  
 126 speedier appointment process. During executive session of the next BC meeting, all OBC  
 127 members will have an opportunity to discuss the applicants and select an appointee by consensus  
 128 [see Boards, Committees and Commissions, 1 O.C. 105.7-1].

129 ■ *Notification of an Appointment.* After an appointment  
 130 is approved by the Business Committee, the Nation’s  
 131 Chairperson will notify the Secretary of the appointment.  
 132 The Secretary will then notify the applicant [see Boards,  
 133 Committees and Commissions, 1 O.C. 105.7-2].

134 ■ *Declining an Appointment.* This new provision  
 135 describes how an individual can decline their  
 136 appointment before taking the oath of office. Individuals  
 137 can decline their appointment by delivering a letter to the  
 138 BC Support Office. In addition, failure to take the oath  
 139 of office within thirty (30) days of appointment will also  
 140 be considered declining the appointment. Oaths of office  
 141 are administered during OBC meetings, which are held  
 142 twice monthly. Therefore, appointees will have at least  
 143 two opportunities to take the oath. In addition, a new  
 144 provision has been added later in this law to allow for  
 145 oaths of office by video conference. If an individual  
 146 declines their appointment, the OBC will select another  
 147 applicant from the original posting rather than re-post  
 148 the vacancy [see Boards, Committees and Commissions,  
 149 1 O.C. 105.7-3].

150 ■ *Termination of Appointment.* Appointed members,  
 151 including individuals appointed to fill vacancies on  
 152 elected entities, may have their appointment terminated  
 153 by a 2/3 majority vote of the BC. Termination of  
 154 appointment is final and cannot be appealed [see  
 155 Boards, Committees and Commissions, 1 O.C. 105.7-4].

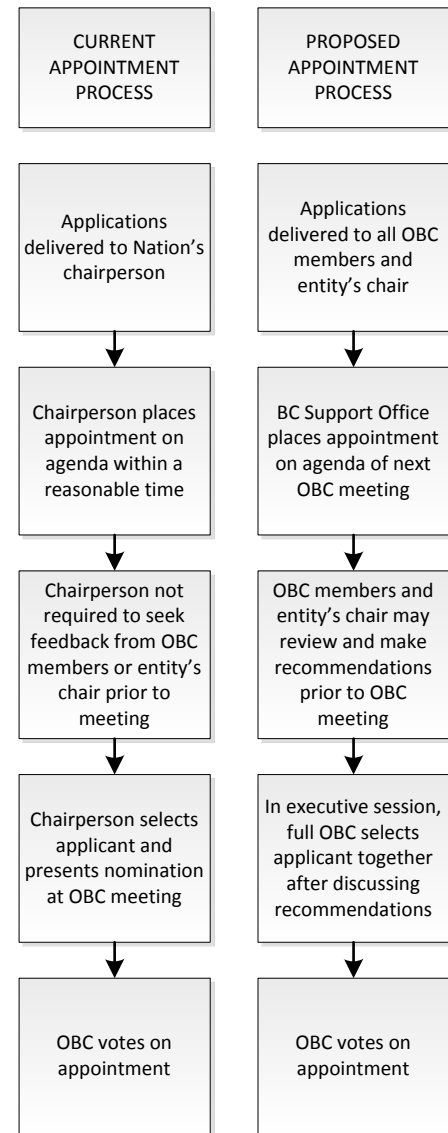
156 **F. Election to an Entity.** Candidates for an elected entity must  
 157 be nominated at a caucus or petition to be placed on the  
 158 ballot. Vacancies may be filled by appointment, per each  
 159 entity’s bylaws. The election process is governed by the  
 160 Election Law [See Boards, Committees and Commissions, 1 O.C. 105.8].

161 **G. Oath of Office.** This section lists the oath of office and the procedure for changing the oath.

162 ■ *Revised Oath.* Minor revisions have been made to the wording of the oath to reflect the change  
 163 from Oneida Tribe to Oneida Nation and to make it easier to recite. Specifically, “and with the  
 164 strictest confidentiality” has been changed to “and will strictly maintain confidential  
 165 information.”

166 ■ *Video Conference.* A provision has been added that allows members to take their oath by video  
 167 conference with permission of the Secretary. Members of the SEOTS Board, who reside in the  
 168 Milwaukee area, are an example of members who may benefit from this provision.

**Chart 2. Appointment Comparison**





- 169       ▪ *Electronic Copies.* The BC Support Office may now store electronic copies of the signed oath,  
170       rather than keep original paper copies [See Boards, Committees and Commissions, 1 O.C. 105.9]
- 171 **H. Bylaws.** Bylaws are the documents that provide a framework for the operation and management of an  
172       entity. This law outlines the format that entities must follow for developing their bylaws. These are  
173       the minimum requirements for what must be included. Entities may add additional information to  
174       their bylaws if they choose. Bylaws must be organized in the following manner:
- 175       ▪ *Article I: Authority.* This section includes the following new provisions: Establishment, which  
176       cites the law or resolution that established the entity. Authority, which will state the purpose of  
177       the entity and the authority delegated to the entity. Termination or Removal, which identifies  
178       causes for termination or removal from the entity. Trainings and Conferences, which describes  
179       trainings and/or conferences the entity deems necessary to serve on the entity [See Boards,  
180       Committees and Commissions, 1 O.C. 105.10-3(a)].
- 181       ▪ *Article II: Officers.* This section lists the duties and responsibilities of the entity’s chairperson,  
182       vice chairperson, and any additional officers. It also describes the procedure for selecting officers  
183       and whether the entity has the authority to hire personnel. A new provision on budgetary and  
184       travel sign-off authority has been added to identify which members of the entity have sign-off  
185       authority on behalf of the entity. All travel requests must be approved by majority vote during a  
186       meeting of the entity [See Boards, Committees and Commissions, 1 O.C. 105.10-3(b)].
- 187       ▪ *Article III: Meetings.* This section identifies when and where regular, emergency and joint  
188       meetings will be held and how meetings will be noticed [See Boards, Committees and  
189       Commissions, 1 O.C. 105.10-3(c)].
- 190               ○ *Justification for Emergency Meetings.* Within 72 hours of an emergency meeting, the  
191               entity must provide the Nation’s Secretary with notice of the meeting, the reason for the  
192               meeting, and an explanation for why the matter could not wait for a regular meeting. This  
193               is a new provision.
- 194               ○ *Joint Meetings.* A new provision has been added regarding whether joint meetings will be  
195               held between the entity and the Oneida Business Committee.
- 196               ○ *Voting and E-Poll.* The Voting section has been revised to include whether the entity will  
197               allow e-polls and under what circumstances the entity’s chairperson is allowed to vote.
- 198       ▪ *Article IV: Expectations.* This is a new section which sets expectations for behavior of members  
199       of an entity. Entities must prohibit violence and the use of alcohol and illegal drugs when acting  
200       in an official capacity. Entities must also list expectations regarding how official business of the  
201       entity may be posted on social media. A conflict of interest section has also been added, which  
202       lists any additional conflict of interests that may be unique to that entity. This section will also  
203       describe how conflicts of interest will be handled and mitigated [See Boards, Committees and  
204       Commissions, 1 O.C. 105.10-3(d)].
- 205       ▪ *Article V: Stipends and Compensation.* This new section will list all of the stipends members are  
206       eligible to receive and the requirements for collecting each stipend [See Boards, Committees and  
207       Commissions, 1 O.C. 105.10-3(e)].
- 208       ▪ *Article VI: Records and Reporting.* This section describes the procedure and format for agenda  
209       items, meeting minutes, attachments and the entity’s relationship with the OBC Liaison. New  
210       revisions to this section include identifying a reasonable timeframe that the entity will submit  
211       minutes to the BC Support Office, and identifying how records of meeting attachments will be  
212       kept [See Boards, Committees and Commissions, 1 O.C. 105.10-3(f)].

- 213           ○ *Audio Recording Requirement.* All entities will now be required to audio record their  
214           meetings.
- 215           ■ *Article VII: Amendments.* This section describes how entities may revise their bylaws, with the  
216           approval of the Oneida Business Committee or General Tribal Council [*See Boards, Committees*  
217           *and Commissions, 1 O.C. 105.10-3(g)*].
- 218 **I. *Electronic Polling (E-Poll).*** This new provision outlines the process for conducting an electronic  
219           poll, or “e-poll.” Entities may use e-polls if approval of an action is needed before their next meeting.
- 220           ■ *E-Poll Process.* E-polls must be sent from an official email address of the entity by the chair or  
221           designee, include a deadline for response of no greater than 24 hours, and follow the formatting  
222           requirements described in this section. Members will vote by responding to the e-poll from an  
223           official address of the entity. Responses from personal email addresses will not be accepted. In  
224           order for an e-poll to be valid, a majority of the members of the entity must respond to the e-poll.  
225           This is similar to requiring a quorum for an in-person meeting. If a majority vote in support of  
226           the e-poll, then the action will be approved. Copies of all e-poll results must be placed on the  
227           entity’s next meeting agenda to be entered into the record [*see Boards, Committees and*  
228           *Commissions, 1 O.C. 105.11*].
- 229 **J. *Reporting Requirements.*** This law describes reporting requirements for minutes, standard operating  
230           procedures and reports to the Oneida Business Committee and General Tribal Council. Several new  
231           provisions have been added:
- 232           ■ *Minutes.* Actions taken by an entity are valid once the action has been approved by a vote. For  
233           example, if an entity passes a motion, that motion is valid immediately. Entities have the option  
234           of adding a requirement to their bylaws that minutes must be approved before the actions become  
235           valid [*See Boards, Committees and Commissions, 1 O.C. 105.12-1*].
- 236           ■ *Standard Operating Procedures.* Entities will now be required to submit all standard operating  
237           procedures to the BC Support Office to be kept on file.
- 238           ■ *Quarterly Reports to Oneida Business Committee.* Entities must submit quarterly reports to the  
239           Oneida Business Committee. At least one member of each entity must attend the BC Meeting  
240           where their quarterly report is being presented. Quarterly reports will contain the following  
241           information: Contact information, number and type of meetings, the topics of any emergency or  
242           special meetings, accomplishments, goals, budget status, requests to the Business Committee and  
243           any other information deemed appropriate by the entity [*See Boards, Committees and*  
244           *Commissions, 1 O.C. 105.12-3*].
- 245           ■ *Annual and Semi-Annual Reports to GTC.* Entities must submit annual and semi-annual reports  
246           to the General Tribal Council. The Business Committee will set the format for these reports.
- 247           ○ *Complaints.* New provisions were added that require entities to include the number of  
248           substantiated complaints against members of the entity in their annual and semi-annual  
249           reports. A substantiated complaint is a complaint that has been found valid by the BC or  
250           Judiciary. The proposed Sanctions and Penalties law will set a standard procedure for  
251           complaints.
- 252           ■ *Failure to Submit Reports.* A new provision was added specifying that if an entity does not  
253           submit reports on time, OBC may place a hold on all stipends for that entity until the reports are  
254           received [*See Boards, Committees and Commissions, 1 O.C. 105.12-5*].

- 255 **K. *Stipends, Reimbursement and Compensation.*** This law describes the procedures for how stipends  
256 will be paid for meetings, hearings, and other expenses [*see Boards, Committees and Commissions, 1*  
257 *O.C. 105.13*].
- 258 ■ *Stipend Amount Set by Resolution.* Rather than put the stipend amounts within the law, the  
259 Oneida Business Committee will now set stipend amounts in a separate resolution. The BC may  
260 adjust those amounts by amending the resolution. The purpose of this change is to allow for  
261 greater flexibility in adjusting stipends. It also ensures that stipend amounts for all of the Nation's  
262 boards, committees and commissions are accurately documented in one place. At the time this  
263 analysis was written, the LOC plans to draft a resolution setting stipend amounts and include the  
264 resolution in the adoption packet for this law.
  - 265 ■ *Gift Card Option.* Entities will now have the option of paying stipends in the form of cash or gift  
266 cards, such as Oneida Retail cards.
  - 267 ■ *Requirements for Regular and Emergency Meeting Stipends.* In order to receive a stipend,  
268 meetings must have an established quorum and last at least one hour. In addition, there is a new  
269 requirement that members must be physically present for the entire meeting to earn the stipend. If  
270 members arrive late or leave early, they will not earn a stipend.
    - 271 ○ *Appointed Members:* Appointed members may only receive one meeting stipend per  
272 month, regardless of the number of meetings held. This is consistent with current law  
273 [*See Boards, Committees and Commissions, 1 O.C. 105.13-3(a)*].
    - 274 ○ *Elected Members:* Elected members may receive two meeting stipends per month,  
275 regardless of the number of meetings held. This is a change from current law, which  
276 previously allowed elected boards to receive stipends for any number of meetings per  
277 month. [*See Boards, Committees and Commissions, 1 O.C. 105.13-3(b)*].
  - 278 ■ *Requirements for Joint Meeting Stipends.* Members of entities can receive a stipend for attending  
279 a duly called joint meeting with the Oneida Business Committee. The joint meeting must have an  
280 established quorum, last at least one hour, and members must be physically present for the entire  
281 meeting. Business Committee members are full-time employees and do not receive meeting  
282 stipends [*See Boards, Committees and Commissions, 1 O.C. 105.13-4*].
    - 283 ○ *Examples:* Trust Enrollment Committee, Land Commission and Land Claims  
284 Commission are examples of entities that hold joint meetings with the Business  
285 Committee.
  - 286 ■ *Stipends for Oneida Judiciary Hearings.* A member of an entity will receive a stipend for  
287 attending an Oneida Judiciary hearing if that member is required to attend by subpoena [*See*  
288 *Boards, Committees and Commissions, 1 O.C. 105.13-5*].
  - 289 ■ *Hearings of an Entity:* Members may receive stipends for conducting hearings administered by  
290 the entity. Entities may only receive one stipend for each hearing, regardless of the length of the  
291 hearing. Members may not receive additional stipends for continuations of a hearing or to draft  
292 decisions [*See Boards, Committees and Commissions, 1 O.C. 105.13-6*].
    - 293 ○ *Boards with Hearing Authority:* The following entities currently exercise hearing  
294 authority: Election Board, Police Commission, School Board, Trust Enrollment  
295 Committee, Pardon and Forgiveness Screening Committee, and Gaming Commission.  
296 Environmental Resource Board and Land Commission have transferred hearing body  
297 authority to the Judiciary.



- 298       ▪ *Other Stipends:* Stipends for any other activity will be set by the OBC in the resolution setting  
299 stipend amounts. Examples of such activities include Pow-wow Committee working at Pow-  
300 wows and Election Board conducting elections or conducting hand counts at GTC meetings [*See*  
301 *Boards, Committees and Commissions, 1 O.C. 105.13-7*].
- 302       ▪ *Conferences and Training:* Members will receive stipends for attending conferences and training.  
303 Members will receive stipends for each full day of training required by law, bylaw or resolution.  
304 Members will not receive stipends for travel days. In addition, members are eligible for per diem  
305 per the Nation’s Travel and Expense policy. This is consistent with current law. This section  
306 removes the \$100 amount for the travel stipend. Instead, the amount of the stipend will be set by  
307 the OBC by resolution [*See Boards, Committees and Commissions, 1 O.C. 105.13-8*].
- 308 **L. Confidential Information.** This law requires members to maintain confidentiality in all information  
309 obtained through their position on the entity. Members cannot disclose confidential information  
310 without the written authorization of the Oneida Business Committee. After leaving an entity, a  
311 member must return all records. Members of an entity cannot use confidential information for  
312 personal gain [*See Boards, Committees and Commissions, 1 O.C. 105.14-1*].
- 313       ▪ *Official Email Address.* Members will now be provided an official email address for conducting  
314 business of the entity. Members cannot use personal or work email to conduct the entity’s  
315 business. Employees of the Nation will receive a separate email address. Members must follow  
316 the Nation’s computer and media related policies and sign an acknowledgment form provided by  
317 the Secretary. When a member leaves office, the Nation’s Secretary will direct MIS to disable the  
318 email address [*See Boards, Committees and Commissions, 1 O.C. 105.14-3*].
- 319 **M. Conflicts of Interest.** This law requires members to adhere to the Nation’s policies regarding  
320 conflicts of interest. It also requires members to disclose conflicts of interest as soon as they arise and  
321 submit an updated conflict of interest disclosure form to the Nation’s Secretary on an annual basis  
322 [*See Boards, Committees and Commissions, 1 O.C. 105.15-2*].
- 323       ▪ *Political Appointees.* Political appointees are no longer allowed to serve on boards, committees or  
324 commissions. There are currently ten political appointees in the organization: Chairperson’s  
325 Assistant, Chairperson’s Policy Advisor, Vice Chair’s Assistant, Treasurer’s Assistant,  
326 Secretary’s Assistant, and five Legislative Assistants [*See Boards, Committees and Commissions,*  
327 *1 O.C. 105.15-3*].
- 328       ▪ *Deleted Sections.* The current Comprehensive Policy includes a list of specifically prohibited  
329 activities covered under “conflicts of interest.” This draft deletes this list of prohibited activities,  
330 and instead, directs entities to follow the Nation’s laws and policies governing conflicts of  
331 interest [*see Comprehensive Policy on Boards, Committees and Commissions, 1 O.C. 105.13*].  
332 These laws include the Conflict of Interest Law and the Code of Ethics, which both apply to  
333 members of boards, committees and commissions. Members must also follow any conflict of  
334 interest provisions in their entity’s bylaws. The Conflict of Interest Law and Code of Ethics  
335 provide broad guidelines, while the deleted Conflict of Interest sections in this law provided more  
336 specific examples that fell within those guidelines.
- 337 **N. Use of the Nation’s Assets.** This law describes how entities will maintain bank accounts, execute and  
338 record transactions, and use Generally Accepted Accounting Principles for the Nation’s funds. Any  
339 evidence of noncompliance will be reported to the Internal Audit department [*See Boards,*  
340 *Committees and Commissions, 1 O.C. 105.16*].

341 **O. *Dissolution of an Entity.*** Entities can only be dissolved by GTC or OBC motion. A new requirement  
 342 was added that within 5 business days of dissolving an entity, OBC will provide the entity with a  
 343 written notice of the dissolution [*See Boards, Committees and Commissions, 1 O.C. 105.17-2*]. This  
 344 law specifies that chairpersons and secretaries of dissolved entities are responsible for closing out  
 345 business and forwarding records to the BC Support Office. The BC Support Office may use the  
 346 assistance of Records Management or any other appropriate department [*See Boards, Committees and*  
 347 *Commissions, 1 O.C. 105.17-3*].

348 **P. *Enforcement.*** Members who violate this law are subject to sanctions and penalties, removal pursuant  
 349 to the Removal law, or termination of appointment to an appointed entity. A provision regarding  
 350 disqualifying candidates for election was removed, because disqualification is addressed in the  
 351 Election law [*See Boards, Committees and Commissions, 1 O.C. 105.18*].  
 352

## 353 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

354 **A. *Bylaws.*** The bylaws of every Board, Committee and Commission will need to be updated to conform  
 355 with the new bylaw requirements in this law [*See Boards, Committees and Commissions, 1 O.C.*  
 356 *105.10-3*].

357 **B. *References to the Other Laws of the Nation:*** The following laws of the Nation are referenced in this  
 358 law. This law does not conflict with any of the referenced laws.

359 **▪ *Election Law.*** The process for election of a member to an elected entity will be governed by the  
 360 Election Law [*See Boards, Committees and Commissions, 1 O.C. 105.8-2*].

361 **▪ *Removal Law.*** Removal of an official elected to an entity is governed by the Removal Law [*See*  
 362 *Boards, Committees and Commissions, 1 O.C. 105.6-2(b)*]. Members who violate this law may be  
 363 subject to Removal pursuant to the Removal Law [*See Boards, Committees and Commissions, 1*  
 364 *O.C.105.17-1*].

365 **▪ *Conflict of Interest Law.*** All members of an entity are required to follow the Nation's laws  
 366 governing conflicts of interest [*See Boards, Committees and Commissions, 1 O.C.105.15-1*].

367 **▪ *Code of Ethics.*** All members of an entity are required to follow the Nation's laws governing  
 368 conflicts of interest. The Code of Ethics also includes conflict of interest provisions [*See Boards,*  
 369 *Committees and Commissions, 1 O.C. 105.15-1*].

370 **▪ *Computer Resources Ordinance.*** Members of an entity must sign an acknowledgment form  
 371 indicating notice of the Nation's applicable computer and media related laws [*See Boards,*  
 372 *Committees and Commissions, 1 O.C. 105.14-3(b)*].

373 **▪ *Social Media Policy.*** The bylaws of each entity must identify expectations for the use of social  
 374 media in regards to official business of the entity [*See Boards, Committees and Commissions, 1*  
 375 *O.C. 105.10-3(d)(4)*].

376 **▪ *Travel and Expense Policy.*** Members of an entity are eligible to be reimbursed for travel and per  
 377 diem to attend a conference or training in accordance with the Nation's travel policies [*See*  
 378 *Boards, Committees and Commissions, 1 O.C. 105.13-8*].

379 **▪ *Oneida Nation Gaming Ordinance.*** Compensation of Gaming Commissioners is not subject to  
 380 the this law [*see Oneida Nation Gaming Ordinance, 5 O.C. 501.6-1*].  
 381

## 382 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

383 **A. *Right to Appeal Termination of Appointment.*** After the OBC terminates an appointment, the  
 384 termination is final and not subject to appeal. While appointed members have always served at the

385 discretion of the Business Committee, for clarity, the law now specifically states that appeals are not  
 386 allowed. Note that this does not impact members who were elected to their positions, which is  
 387 governed by the Removal Law.

388 **B. *Political Appointees.*** This law bans political appointees, such as legislative assistants, from serving  
 389 on boards, committees and commissions. By accepting the position, political appointees will be  
 390 knowingly giving up the right to serve on an entity as a condition of their employment. Any  
 391 appointees currently serving on an entity will be allowed to finish their terms. *[See Boards,*  
 392 *Committees and Commissions, 1 O.C. 105.15-3].*

393

## 394 **SECTION 8. ENFORCEMENT AND ACCOUNTABILITY**

395 **A.** Elected officials may be removed pursuant to the Removal Law and appointed officials may have  
 396 their appointments terminated by the Oneida Business Committee *[See Boards, Committees and*  
 397 *Commissions, 1 O.C. 105.18-1(b-c)].*

398 **B.** Any member of an entity who violates this law may be subject to sanctions and penalties. The LOC is  
 399 currently developing a Sanctions and Penalties law *[See Boards, Committees and Commissions, 1*  
 400 *O.C. 105.18-1(a)].*

401 **C.** Entities that fail to comply with reporting requirements in this law may have their stipends withheld  
 402 until reports are submitted *[See Boards, Committees and Commissions, 1 O.C. 105.12-5].*

403

## 404 **SECTION 9. OTHER CONSIDERATIONS**

405 *The LOC may want to consider the following regarding implementation of this law:*

406 **A. *Bylaws.*** Boards, Committees and Commissions have been unable to update their bylaws for the last  
 407 several years while this law has been on the LOC's Active Files List. Upon adoption of this law, all  
 408 entities will need to update their bylaws to conform with the new standards *[See Boards, Committees*  
 409 *and Commissions, 1 O.C. 105.10].* Entities will be expected to update their bylaws within a  
 410 reasonable time after adoption of this law, rather than a specific deadline. All bylaws must be  
 411 approved by the Oneida Business Committee. Entities, LOC and the BC should expect to begin  
 412 processing a large number of bylaws after passage. The LOC plans to assist entities with updating  
 413 their bylaws by offering training sessions, bylaw templates, and additional assistance from LRO staff.

414 **B. *Stipend Processing.*** This law places several new requirements and limitations on how and when  
 415 members may receive stipends. These new requirements will require enforcement. Enforcing these  
 416 new provisions will require reviewing bylaws, entity and OBC meeting minutes, Judiciary subpoenas  
 417 and other actions. Currently, stipend requests are sent directly to Accounting. The BC Support Office  
 418 is in the process of taking over this responsibility and is well suited to this role given their familiarity  
 419 with each of the boards. If possible, the BC Support Office should take over this role to coincide with  
 420 the implementation of this law.

421 **C. *Current Political Appointees.*** This law bans political appointees from serving on boards, committees  
 422 and commissions *[See Boards, Committees and Commissions, 1 O.C. 105.15-3].* At the time this  
 423 analysis was drafted, two political appointees currently serve on an entity. Both serve on elected  
 424 entities. These two individuals, and any other political appointees who may be serving at the time this  
 425 law is adopted, will be permitted to serve out the remainder of their terms. This decision will be  
 426 included in the adopting resolution for this law. The OBC should also consider working with Oneida  
 427 Human Resources Dept. to update job descriptions for political appointees to include this ban.

- 428 **D. *Audio Recording Requirement.*** This law adds a new requirement for all entities to audio record their  
429 meetings. According to the BC Support Office, three entities currently audio record their meetings on  
430 a regular basis. The BC Support Office has recording equipment available to assist entities. It may be  
431 necessary for the BC Support Office to acquire additional audio recording equipment to implement  
432 this provision. The LOC may want to consider delaying the implementation date of this requirement  
433 in the adopting resolution to allow for any necessary planning, training or purchases.
- 434 **E. *Email Addresses for BCC Members.*** MIS, BC Support Office and Records Management have begun  
435 work to develop a process to provide and manage email addresses for member entities. Based on MIS  
436 research, the email address requirement will impact approximately 130 members. To allow for  
437 necessary planning to implement protocols, set budgets, and secure licenses to set up new email  
438 addresses, the LOC intends to delay implementation of the email requirement in the adopting  
439 resolution.
- 440 **F. *Changes to Application Form.*** The following changes must be made to the application form for  
441 boards, committees and commissions. The revised application forms must be approved by the  
442 Business Committee [*see Boards, Committees and Commissions, 1 O.C. 105.5-1*].
- 443     ▪ Add a statement to the application form explaining the attendance requirements of section  
444       105.11-3
  - 445     ▪ Create an additional Background Investigation Application Form, to include social security  
446       number and any other information needed to conduct a background investigation. This form will  
447       only be provided to applicants applying to entities that require a background check. This includes  
448       the Gaming Commission and Police Commission.
- 449 **G. *New Forms and Standard Operating Procedures:***
- 450     ▪ *Computer Resource Acknowledgment Form.* The Secretary must provide an acknowledgment  
451       form to be signed by each member upon receiving an email address. The Nation's Secretary and  
452       BC Support Office may want to consult with MIS regarding existing standard forms that could be  
453       used [*see Boards, Committees and Commissions 1 O.C. 105.14-3(b)*].
  - 454     ▪ *Disabling Email Addresses.* The Secretary must direct MIS to disable the email address for  
455       members that leave office. The Nation's Secretary and BC Support Office may want to develop  
456       an SOP for this process [*see Boards, Committees and Commissions 1 O.C. 105.14-3(d)*].
  - 457     ▪ *SOP for Background Check Application Forms.* Given the sensitive information on the new  
458       background check application forms, the Nation's Secretary and BC Support Office may want to  
459       create an SOP for how these forms will be securely stored and processed, if such an SOP does not  
460       already exist.

461

462 *The following is provided for information:*

- 463 **H. *Current Stipends.*** Under this law, stipend amounts will be set by Business Committee resolution  
464 [*see Boards, Committees and Commissions 1 O.C. 105.13-2*]. The OBC will periodically review and  
465 adjust these stipend amounts. Below is a depiction of current stipend amounts at the time this  
466 analysis was drafted. Whether to maintain or adjust the current stipend amounts a policy decision.

467

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472 **Chart 4. Current Meeting Stipends for Appointed Boards.**

<b>NO STIPEND</b>
<ul style="list-style-type: none"> <li>▪ Oneida Nation Arts Board</li> </ul>
<b>\$50 PER MEETING</b>
<ul style="list-style-type: none"> <li>▪ Anna John Resident Centered Care Community Board (AJRCC)</li> <li>▪ Environmental Resource Board (ERB)</li> <li>▪ Oneida Community Library Board</li> <li>▪ Oneida Police Commission</li> <li>▪ Oneida Pow-wow Committee</li> <li>▪ Oneida Nation Veterans Affairs Committee (ONVAC)</li> <li>▪ Pardon and Screening Forgiveness Committee</li> <li>▪ Personnel Selection Committee*</li> </ul>
<b>\$75 PER MEETING</b>
<ul style="list-style-type: none"> <li>▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)</li> </ul>

473 **Source: 2018 Semi-Annual Report to General Tribal Council**

474 \*Note – On August 27, 2018, GTC rescinded the dissolution of the Personnel Commission.

475

476 **Chart 5. Current Meeting Stipends for Elected Boards.**

<b>\$50 PER MEETING</b>
<ul style="list-style-type: none"> <li>▪ Land Commission</li> <li>▪ Land Claims Commission</li> </ul>
<b>\$75 PER MEETING</b>
<ul style="list-style-type: none"> <li>▪ Oneida Nation Commission on Aging (ONCOA)</li> <li>▪ Oneida Nation School Board</li> </ul>
<b>\$100 PER MEETING FOR CHAIR, \$75 PER MEETING FOR MEMBERS</b>
<ul style="list-style-type: none"> <li>▪ Trust Enrollment Committee</li> </ul>
<b>\$100 PER MEETING</b>
<ul style="list-style-type: none"> <li>▪ Oneida Election Board</li> </ul>
<b>FULL TIME SALARY – NO MEETING STIPENDS</b>
<ul style="list-style-type: none"> <li>▪ Oneida Gaming Commission*             <ul style="list-style-type: none"> <li>○ Gaming Commissioners are full-time officials. Compensation of Gaming Commissioners is not subject to the Comprehensive Policy on Boards, Committees and Commissions [see Oneida Nation Gaming Ordinance 5 O.C. 501.6-11].</li> <li>○ “Pro-Tem” Commissioners, appointed as needed to participate in hearings when full-time commissioners recuse themselves, receive \$150 per hearing.</li> </ul> </li> </ul>

477 **Source: 2018 Semi-Annual Report to General Tribal Council.**

478

- 479 ▪ **Summary of Current Meeting Stipends.** Currently, there are variations in stipends from board to
- 480 board based on BC and entity actions over the years.
- 481 ○ *Appointed.* Members of appointed entities receive \$50 per meeting, with the exception of
- 482 SEOTS, which reports that it receives \$75 per meeting, and Oneida Arts Board, which is a
- 483 volunteer board that does not accept stipends.



- 484 ○ *Elected.* Members of elected entities receive between \$50 to \$100 per meeting. An exception
- 485 is the Oneida Gaming Commission, whose members receive a full-time salary.
- 486 ■ **Hearing Stipends.** Entities with hearing body authority receive stipends for conducting hearings.
- 487 Hearing stipend amounts are typically the same as meeting stipends.
- 488 ■ **Conferences and Training Stipends.** Members currently receive a \$100 stipend for each full day
- 489 spent attending a conference or training, not including travel days.
- 490 ■ **Other Stipends.** In addition, certain entities receive stipends for other activities:
- 491 ○ Oneida Election Board members receive \$10 per hour for conducting elections and caucuses.
- 492 They also receive a \$100 stipend for conducting hand counts at General Tribal Council
- 493 meetings.
- 494 ○ Oneida Pow-wow Committee members receive \$25 per hour, not to exceed \$200 per day, for
- 495 planning, preparation and working Oneida Pow-wows.

496 I. **Proposed Stipend Amounts.** At the time this analysis was drafted, the LOC intends to propose an  
 497 increase in stipend amounts for boards, committees and commissions. Below are the stipend amounts  
 498 that the LOC proposes to set by resolution upon adoption of this law. For additional information, see  
 499 the proposed stipend resolution included in the adoption materials for this law.

500 **Chart 6. Proposed Meeting Stipends for Appointed Boards.**

Appointed Entity	Current Stipend Amount	Proposed Stipend Amount
Oneida Nation Arts Board	None	\$75 per meeting
Anna John Resident Centered Care Community Board (AJRCC)	\$50 per meeting	\$75 per meeting
Oneida Community Library Board	\$50 per meeting	\$75 per meeting
Environmental Resource Board	\$50 per meeting	\$75 per meeting
Oneida Nation Veterans Affairs Committee (ONVAC)	\$50 per meeting	\$75 per meeting
Personnel Selection Committee*	\$50 per meeting	\$75 per meeting
Oneida Police Commission	\$50 per meeting	\$75 per meeting
Oneida Pow-wow Committee	\$50 per meeting	\$75 per meeting
Pardon and Forgiveness Screening Committee	\$50 per meeting	\$75 per meeting
Southeastern Oneida Tribal Services Advisory Board (SEOTS)	\$75 per meeting	\$75 per meeting

- 502 ■ The LOC proposes to increase stipend amounts for appointed boards to \$75 per meeting.
- 503 Appointed boards are limited to one meeting stipend per month.
- 504 ■ For more information regarding proposed stipends, see proposed stipend resolution in the
- 505 adoption materials for this law.

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**Chart 7. Proposed Meeting Stipends for Elected Boards.**

Elected Entity	Current Stipend Amount	Proposed Stipend Amount
Land Commission	\$50 per meeting	\$100 per meeting
Land Claims Commission	\$50 per meeting	\$100 per meeting
Oneida Nation Commission on Aging (ONCOA)	\$75 per meeting	\$100 per meeting
Oneida Nation School Board	\$75 per meeting	\$100 per meeting
Trust Enrollment Committee	\$100 per meeting for chairperson, \$75 per meeting for members	\$100 per meeting (all members)
Oneida Election Board	\$100 per meeting	\$100 per meeting

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- The LOC proposes to increase stipend amounts for elected boards to \$100 per meeting.

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- Upon adoption of this law, elected boards will be limited to two meeting stipends per month, regardless of the number of meetings held.

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- Compensation of Oneida Gaming Commissioners is not subject to the Comprehensive Policy on Boards Committees and Commissions [see *Oneida Nation Gaming Ordinance, 5 O.C. 501.6-11*].

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- For more information regarding proposed stipends, see proposed stipend resolution in the adoption materials for this law.

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- J. Sanctions and Penalties.** This law references sanctions and penalties. The Legislative Operating Committee (LOC) is currently drafting a Sanctions and Penalties Law to increase accountability among elected and appointed officials of the Nation. Currently, the only reprimand available for a violation of this law is termination of appointment for appointed members, removal of elected members, and in certain instances, withholding stipends. However, there may be instances of misconduct that do not rise to the level of removal. In these cases, other sanctions such as verbal warnings, written warnings, suspension or fines may be more appropriate. The proposed Sanctions and Penalties law will create a formal complaint process and allow for corrective actions against officials who violate laws, bylaws and SOPs of the Nation. At the time this analysis was drafted, the LOC intends to present a Sanctions and Penalties Law to GTC for consideration once the draft is complete and all legislative requirements are met. [See *Boards, Committees and Commissions, 1 O.C. 105.18-1(a)*].

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- K.** Please refer to the fiscal impact statement for any fiscal impacts.

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**Title 1. Government and Finances – Chapter 105**  
**~~COMPREHENSIVE POLICY GOVERNING~~ BOARDS, COMMITTEES AND**  
**COMMISSIONS**

**Laotiyanihsla'shúha katyohkwaya'tú'se'**

*Their laws \_\_\_\_\_ of the groups we have*

105.1. Purpose and Policy	105.9. <del>Minutes</del> <u>Oath of Office</u>
105.2. Adoption, Amendment, Repeal	105.10. <del>Dissolution of Entities</del> <u>Bylaws</u>
105.3. Definitions	105.11. <u>Electronic Polling</u>
105.4. <u>Creation of an Entity</u> <del>Applications</del>	105.12. <u>Reporting Requirements</u>
105.5. <u>Applications</u>	105.13. <u>Stipends, Reimbursement and Compensation</u> <del>for Services</del>
105.6. <u>Vacancies</u>	105.14. <u>Confidential Information</u>
105.6. <del>Appointed Positions</del>	105.15. <u>Conflicts of Interest</u>
105.7. <del>Elected Positions</del> <u>Appointment to an Entity</u>	105.16. <u>Use of the Nation's Assets</u>
105.8. <del>By-Laws of Boards, Committees and Commissions</del> <u>Election to an Entity</u>	105.17. <u>Dissolution of an Entity</u>
	105.18. <u>Enforcement</u>

### 105.1. Purpose and Policy

105.1-1. It is the purpose of this ~~policy~~law to govern boards, committees, and commissions of the standard Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of ~~by-laws~~bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. ~~This policy~~

(a) This law shall not apply to the Oneida Business Committee, or Standing Committees of the Oneida Business Committee.

(b) This law does not apply to Tribal corporations due to the corporate structure and autonomy of those entities.

105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing and appointing or electing the most qualified persons to boards, committees and commissions, for creation of ~~by-laws~~bylaws governing boards committees and commissions, and for the maintenance of information created by and for boards, committees and commissions.

### 105.2. Adoption, Amendment, Repeal

105.2-1. This ~~policy~~law was adopted by the Oneida Business Committee by resolution #~~BC-505-14-97-F~~ and amended by resolutions #~~BC-09-27-06-E~~ and #~~BC-09-22-10-C~~, and ~~BC- - - -~~

105.2-2. This ~~policy~~law may be amended ~~pursuant to the procedures set out in the Oneida Administrative Procedures Act~~ or repealed by the Oneida Business Committee or the Oneida General Tribal Council, ~~regardless of where the original adoption took place~~ pursuant to the procedures set out in the Legislative Procedures Act.

105.2-3. Should a provision of this ~~policy~~law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~policy~~law which are considered to have legal force without the invalid portions.

~~105.2-4. Any policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this policy is hereby repealed to the extent that it is inconsistent with or is contrary to this policy. Provided that meeting stipends for elected members of a~~

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~~board, committee or commission that are in effect on [adoption date of the amendments] shall remain unaffected, but prior exceptions to this policy for appointed entities shall be repealed to extent that meeting stipends are inconsistent with this policy.~~

105.2-4. 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.

105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

### 105.3. Definitions

105.3-1. This section shall govern the definitions of words and phrases ~~as used herein~~within this law. All words not defined herein shall be used in their ordinary and everyday sense.

~~(a)~~(a) "Application" means the form by which a person seeks to be appointed to fill a vacancy on an entity.

(b) "Appointment" means the process by which a person is chosen to fill a vacancy on an entity by the Oneida Business Committee.

(c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.

(d) "Bylaws" means a document which provides a framework for the operation and management of a board, committee, or commission of the Nation chiefly for the government of its members and the regulation of its affairs.

(e) "Conference" means any training, seminar, meeting, or other assembly of persons which is not an assembly of the entity.

(f) "Confidential information" means all information or data, whether printed, written, or oral, concerning business or customers of the Nation, disclosed to, acquired by, or generated by a member of an entity in confidence at any time during their elected or appointed term or during their employment.

(g) "Conflict of interest" means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation. In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.

(h) "Entity" means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee whose members are appointed by the Oneida Business Committee or elected by the ~~General Tribal Council~~Nation's membership.

~~(b) "Vacaney"~~(i) "E-poll" means any positionan electronic poll, which is the act of delivering an e-mail to all members of an entity, in order to seek a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the entity.

(j) "Joint meeting" means a meeting with the Oneida Business Committee.

(k) "Nation" means the Oneida Nation.

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(l) "Per Diem" means the payment made by the Nation to offset the costs of being on any travel on behalf of the Oneida Nation.

(m) "Political appointee" means a person appointed by a member of the Oneida Business Committee to provide assistance with the Oneida Business Committee member's daily activities and operations.

(n) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

(o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a board, committee, or commission caused by resignation, end of term, removal, termination, or creation of a new position of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation.

~~(e) "Application" means any process by which a person proceeds to be appointed to a vacancy.~~

~~(d) "Appointment" means the process by which a person is chosen to fill a vacancy.~~

(e)(p) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all members of the entity; which is designated one (1) or more specific responsibilities on behalf of the entity.

(q) "Substantiated complaint" means a complaint or allegation in a complaint that was found to be valid by clear and convincing evidence.

(r) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal, the accomplishment of which means the disbanding of the group. The goal is generally accomplished in a short time period, i.e. less than one year, but the goal itself may be long-term.

~~(f) "Conference" (s) "Vacancy" means any training, seminar, meeting, or other assembly position on any board, committee or commission caused by resignation, end of term, removal, termination, or creation of a new position.~~

#### **105.4. Creation of an assembly Entity**

105.4-1. An entity of the entity Nation shall be created by a resolution or law adopted by the Oneida Business Committee or General Tribal Council.

~~(g) "Per Diem" means the payment made by 105.4-2. The law or resolution establishing the Tribe to offset entity shall state the costs of being out of town or to travel on behalf purpose of the Oneida Tribe of Indians of Wisconsin.~~

~~(h) "Stipend" means that amount paid by entity and all powers and responsibilities delegated to the entity.~~

105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of the entity.

#### **105.5. Applications**

~~105.5-1. The Oneida Tribe of Indians of Wisconsin to persons serving on boards,~~

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~~committees and commissions of the Oneida Tribe of Indians of Wisconsin to offset the expenses of being a member on the board, committee or commission.~~

(i) "Official" means any person appointed or elected to membership Business Committee shall approve all applications to serve on an entity of the Oneida Tribe.

#### ~~105.4~~ Nation. Applications

~~105.4-1.~~ All applications application materials shall be ~~generated by~~ available in the Tribal Secretary's Business Committee Support Office and ~~approved~~ any other location specified by the Oneida Business Committee Support Office.

~~105.4-2.~~ The content of (a) All applications shall be as follows include:

(a) ~~questions designed to obtain the following information~~

- ~~(1) name~~
- ~~(2) address~~
- ~~(3) phone number~~
- ~~(4) enrollment number~~
- ~~(5) position applied for~~

(b) ~~applications may contain any other questions necessary to obtain information necessary to making an informed decision as to the qualifications of any individual to hold any vacancy.~~

(c) ~~Form A-1, attached, is the current approved application form in use and shall be placed in the Tribal Secretary's Office and other locations specified by the Tribal Secretary's Office.~~

(1) a statement explaining the attendance requirements of section 105.12-3; and

(2) a section regarding disclosures of conflicts of interest.

(b) An additional application form shall be required for those entities that require a background investigation. This background investigation application shall include the applicant's social security number and any other information required for a background investigation. The background investigation application shall be solely used for the background investigation and not included in the application materials that are then shared with the Oneida Business Committee, entity, and/or the Election Board.

~~105.5-2.~~ ~~105.4-3.~~ Applications shall be filed with the ~~Tribal Secretary's office~~ Business Committee Support Office by 4:30 p.m. of the deadline date. Postmarked envelopes are accepted as filed if postmarked by the deadline date and received by the ~~Tribal Secretary's Office~~ Business Committee Support Office within five (5) business days of the deadline. At the completion of the posted deadline for filing applications the Tribal Secretary shall notify by postcard all persons who have filed an application of the date the application was filed and whether it will be considered for the election or appointment. A tentative date for appointment will be placed on the post card with the instruction that this is a tentative date and further information can be requested by calling the Tribal Secretary's Office. Postcard information should be in substantially similar format as that in Figure 1. Business Committee Support Office within five (5) business days of the deadline.

Your application was received on:

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~~Tentative date for appointment or election:~~  
~~You application 9 is 9 is not being considered.~~  
~~For more information, call the Tribal Secretary's Office at 869-2214.~~

~~105.105.5-3. Eight (8) days after the posted deadline for filing applications the Business Committee Support Office shall notify all persons who have filed an application of the date his or her application was received and if his or her application met the deadline to be considered for the election or appointment.~~

~~105.5-4-4. Applications for elected positions shall be verified according to the Oneida Election Ordinance. Nation's laws and/or policies governing elections.~~ Applications for appointed positions shall be verified by the ~~Tribal Secretary's~~ Business Committee Support Office as needed or as required in the ~~by laws~~ bylaws of the entity.

~~105.4-5-5. Insufficient Applicants.~~ In the event that there are an insufficient number of applicants after the deadline date has passed for appointed positions, the ~~Tribal Chairperson~~ Oneida Business Committee may elect to:

- (a) ~~Include~~ include within the pool of appointed persons late applications, or
- (b) ~~Repost~~ repost for an additional time period. In the event of reposting, prior applicants will be considered to have filed applications within the deadline period.

### **105.56. Vacancies**

~~105.5-1. This section shall govern when vacancies occur, and where and when notice of the vacancies shall be posted.~~

~~105.5-2. The following vacancies shall be effective as listed herein.~~

~~105.6-1. The manner by which an individual fills a vacancy, either through election or appointment, shall determine that member's status as an appointed or elected official, despite the entity's classification as an appointed or elected entity pursuant to the entity's bylaws.~~

~~105.6-2. A position on an entity shall be considered vacant in the following situations:~~

- (a) *End of Term.* A vacancy is effective as of 4:30 p.m. of the last day of the month in which the term ends ~~as of the by laws of the entity.~~
  - (1) Although a position is considered vacant once the term ends, the member of the entity may remain in office until the member's successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the entity.
- (b) *Removal.* Removal is effective, ~~under adopted~~ pursuant to any law and ~~approved procedures of the entity, when the final action has taken place. Where a final action is defined as/~~ or policy of the Nation regarding removal.
  - (1) ~~failure to file a timely appeal,~~
  - (2) ~~denial of appeal, or~~
  - (3) ~~final written opinion is filed.~~
- (c) Termination of Appointment. A termination is effective upon a two-thirds (2/3)

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majority vote of the Oneida Business Committee in favor of a member's termination of appointment.

(d) Resignation. A resignation is effective upon:

- (1) Deliverance of a letter to the ~~entity, or~~ Business Committee Support Office and to the Chairperson of the entity, or designee; or
- (2) Acceptance by motion of the entity of a verbal resignation.

~~(e) New Positions.~~ Vacancies on new entities are effective upon adoption of ~~by-laws~~ bylaws.

~~105.6-3. (e) Interim Positions.~~ ~~Vacancies of interim positions are effective upon creation of interim positions by~~ An entity shall notify the Oneida Business Committee Support Office as soon as the entity learns that a position has ~~or General Tribal Council.~~

~~105.5-3-~~ will become vacant. All notices of vacancy shall be sent to the entities for clarification or confirmation prior to notification to the Oneida Business Committee. ~~The following guidelines are minimum notice requirements:~~

~~(a) End of Term.~~ Entity should be notified 60 days prior to end of term by the Tribal Secretary.

~~(b) Removal or Resignation.~~ Entity should be notified as soon as final action is taken by the Oneida Business Committee or General Tribal Council to accept the resignation, or final action according to any Removal law of the Tribe.

~~105.5-4.~~ Notice of vacancies shall be by the Tribal Secretary's Office in the following locations:

~~(a) Tribal Secretary's Office~~

~~(b) The Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the South Eastern Wisconsin Oneida Tribal Services (SEOTS) building and the Highway 54 and E & EE Oneida One Stops.~~

~~(c) Kalihwisaks~~

~~(d) Minutes of the Oneida Business Committee, and~~

~~(e) Any reasonable location requested by the entity.~~

~~105.5-5.~~ The Tribal Secretary's Support Office shall forward the notice of vacancy to the Oneida Secretary. The Secretary shall request and receive approval from the Oneida Business Committee to post the notice of vacancy. The Business Committee ~~for approval and direction to post notice as set out in this section. The Tribal Secretary shall~~ Support Office shall post notice of vacancies at the following times:

~~(a) End of Term.~~ (a) End of Term. Automatically ~~thirtysixty (60)~~ sixty (60) days prior to completion of the term.

~~(b) Removal.~~ Upon notice by Secretary, or other person authorized by No later than the ~~by-laws~~ next Oneida Business Committee meeting following the effective date of the entity, to the Tribal Secretary's Office. ~~removal.~~

~~(c) Resignation.~~ Upon notice by No later than the Secretary, or other person authorized by next Oneida Business Committee meeting following the by-laws ~~Business Committee~~ Support Office's receipt of notice of an effective resignation from the entity, ~~to the Tribal Secretary's Office.~~

~~(d) New Positions.~~ Upon one of the following conditions:

- (1) if not specified, immediately upon creation of entity or adoption of ~~by-~~



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~~laws~~bylaws, whichever is later, or

(2) upon date specified when creating the entity.

~~(e) Interim Members. Upon one of the following:~~

~~(1) upon completion of the term designated to hold in new entity, or~~

~~(2) upon completion of vacant term of the pre-existing entity~~

~~(f) Termination of appointment. At~~No later than the next Oneida Business Committee meeting following the effective date of the ~~termination of appointment.~~

### ~~105.6. Appointed Positions~~

~~105.6-1. All appointments-5. Notice of vacancies shall be made posted by the Business Committee Support Office in all official media outlets of the Nation, as determined by the Oneida Business Committee at regular or special Oneida Business Committee meetings. Provided that, no applicant may be appointed who fails to meet, as well as any other location deemed appropriate by the requirements set out in the entity's by laws~~Secretary.

### 105.7. Appointment to an Entity

~~105.6-2-7-1. Appointment Selection.~~ The following procedures shall be used to determine ~~who shall be~~how the applicant for an appointed position is selected:

(a) ~~Five (5)~~Eight (8) business days after ~~close of notice,~~the posted deadline for submitting an application, or within twenty-one (21) days of the posted deadline if the entity requires a background investigation to be completed as part of the application process, the Business Committee Support Office shall:

(1) deliver all applications shall be delivered to the Tribal Chairperson, along with a summary of qualifications to hold office, and the results of the background investigation if required, to each member of the Oneida Business Committee as well as the entity's Chairperson; and

~~(b) Within a reasonable time, the Tribal Chairperson shall:~~

(2) place the appointment for the entity on the next executive session portion of the agenda of a regular or special Oneida Business Committee meeting in which the appointment is intended to be made.

(b) Each member of the Oneida Business Committee shall review the application materials prior to executive session and be prepared to discuss and select an applicant for appointment.

(1) The entity's Chairperson may have until the executive session to review the application materials and provide the Oneida Business Committee a recommendation of an applicant for appointment.

(c) The Oneida Business Committee shall have a full and complete discussion of the merits and qualifications of the potential applicants, and any recommendation made by the Chairperson of the entity, during executive session. After completing a thorough discussion, the Oneida Business Committee shall:

(1) choose an applicant for appointment, or

(2) ask the ~~Tribal Secretary's Office~~ Oneida Nation's Secretary to re-notice the vacancy because of ineligible, unqualified, or under qualified applicants.

~~(e) Forward choice of applicants to all Council members prior to appointment:~~



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~~(1) Council members may accept the Tribal Chairperson's selected applicants, or~~  
~~(2) Reject an applicant.~~ (d) All appointments shall be made by majority vote the Oneida Business Committee during the open session of a quorum at any regular or special Oneida Business Committee meeting. The Oneida Business Committee shall not appoint an applicant who fails to meet the requirements set out in the entity's bylaws.

~~(e) During the open session of the 105.6-3. All appointments are official upon taking an oath at a regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Tribal Secretary shall notify the chosen persons when they should appear for taking the oath. a member of the Oneida Business Committee may make a motion to appoint an individual. Oneida Business Committee members may:~~

~~(a) Originals~~ (1) accept the selected applicant and vote to appoint the individual to the vacant position, or

~~(2) reject the selected applicant and vote to oppose the appointment of the signed oath shall be maintained individual.~~

(f) If the Oneida Business Committee rejects the selected applicant, the matter will be deferred to the next Oneida Business Committee meeting where another applicant may be recommended by the Tribal Secretary's Office. Oneida Business Committee, or the Oneida Business Committee may direct the vacancy to be re-posted. When a vacancy is re-posted under this section, all applications from the first posting shall be considered to have been filed within the deadline period.

~~(b) Copies~~ 105.7-2. Notification of the oath shall be forwarded to the new member and the entity.

~~(c) Wording of oaths shall be approved by the~~ Appointment. Once an individual is selected for appointment at an Oneida Business Committee and kept on file by the Tribal Secretary's Office:

~~(1) The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:~~

~~I, ♦name♦, do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the strictest confidentiality.~~

~~I will carry out the duties and responsibilities as a member of the ♦entity name♦, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.~~

~~(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to usage.~~

~~(e) All oaths shall be sufficient to make the appointee aware of their duty to the Oneida Tribe and as members of the entity.~~

105.6-4. The Tribal meeting, the Nation's Secretary shall notify all applicants of the final status of their application.

(a) The Tribal Nation's Chairperson shall forward a list of all applicants to the Tribal Nation's Secretary and the final decision regarding the selection after the procedures in sec. 6-2 for selection of an applicant described in section 105.7-1 are completed. Provided that, the Tribal

(b) The Nation's Secretary shall include on the notice to the applicant selected for appointment

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the following paragraph:

~~“The Oneida Tribe of Indians of Wisconsin reports all income paid by the Oneida Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income.”~~

~~105.6-5. *Termination of Appointment.* Appointed members of entities serve at the discretion of the Oneida Business Committee. Upon the recommendation of the Tribal Chair, an appointed member of an entity may have his or her appointment terminated by the Oneida Business Committee by a two-thirds majority vote of the entire Oneida Business Committee.~~

### ~~105.7 Elected Positions~~

~~105.7-1. All elected positions, unless otherwise noted in the by laws of the entity, shall be nominated at a caucus called by the Oneida Election Board, or petition for ballot placement, in accordance with the Oneida Election Law. Provided that, when the Election Board notifies a petitioner or nominee that he or she is eligible to be placed on the ballot, the following paragraph shall be included:~~

~~“The Oneida Tribe of Indians of Wisconsin Nation reports all income paid by the Tribe Oneida Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income.”~~

~~105.7-2. All other processes shall be as directed in the Oneida Election Law 3. Declination of Appointment. An individual who has been selected for appointment to an entity by the Oneida Business Committee may decline the appointment.~~

~~(a) An individual may decline an appointment to an entity in the following ways:~~

~~(1) Delivery of an letter stating that the individual wishes to decline the appointment to the Business Committee Support Office; or~~

~~(2) The failure to take the oath of office within thirty (30) days of being selected for appointment by the Oneida Business Committee.~~

~~(b) The Business Committee Support Office shall notify the Oneida Business Committee if an individual declines an appointment to an entity. The Oneida Business Committee shall then use the original pool of applications for the vacancy posting and the process outlined in section 105.7-31 to select another applicant for appointment.~~

~~105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee.~~

~~(a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual.~~

~~(b) The Oneida Business Committee’s decision to terminate an appointment is final and not subject to appeal.~~

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**105.8 Election to an Entity**

105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election Board, or petition for ballot placement, in accordance with the Nation's laws and/or policies governing elections, except where an entity's bylaws allow for a vacancy to be filled by appointment.

(a) When the Election Board notifies a petitioner or nominee that he or she is eligible to be placed on the ballot, the following paragraph shall be included: "The Oneida Nation reports all income paid by the Nation in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an income report which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

105.8-2. All other processes for the election of a member of an entity shall be as directed by the Nation's laws and/or policies governing elections.

**105.9. Oath of Office**

105.9-1. All appointed and elected positions are official upon taking an oath ~~at~~during a regular or special Oneida Business Committee meeting ~~and all~~. All rights and delegated authorities of membership in the entity shall vest upon taking the oath. The Nation's Secretary shall notify the chosen persons when they shall appear for taking the oath.

(a) The appointed or elected member shall appear in person at the Oneida Business Committee meeting to take his or her oath, except if granted permission by the Secretary to appear by video conferencing equipment.

105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on file by the Business Committee Support Office.

~~105.9-3.(a) —~~ Originals of the signed oath, or electronic copies of the originals of the signed oath, shall be maintained by the ~~Tribal Secretary's~~ Business Committee Support Office.

~~(b)~~ Copies of the oath shall be forwarded to the new member of the entity and the entity.

~~105.9-4. ©~~ Wording of oaths shall be approved by the Oneida Business Committee and kept on file by the Tribal Secretary's Office. The following oath is the standard oath to be used unless a specific oath for the entity is pre-approved by the Oneida Business Committee:

I, ~~♣~~[name ~~♣~~ de], hereby promise to uphold the laws and regulations of the Oneida ~~Tribe of Indians of Wisconsin~~ Nation, the General Tribal Council, and the ~~Tribal~~ Oneida Nation Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and ~~with~~ will strictly maintain confidential information. I will carry out the ~~strictest confidentiality~~ duties and responsibilities as a member of the [entity name], and all recommendations shall be made in the best interest of the Oneida Nation as a whole.

~~I will carry out the duties and responsibilities as a member of the ♣entity name♣, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole.~~

~~(d) Revisions of oaths shall be approved by the Oneida Business Committee prior to usage.~~

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~~(e)~~105.9-5. All oaths shall be sufficient to make the ~~appointee~~appointed or elected member of an entity aware of their duty to the ~~Tribes~~Nation and as members of the entity.

### ~~105.8. By-Laws of Boards, Committees and Commissions~~

#### ~~105.8~~10. Bylaws

~~105.10-1. By-Laws~~All entities of ~~all Boards, Committees and Commissions~~the Nation shall ~~have bylaws that~~ conform to ~~the requirements of this outline law.~~ Bylaws shall become effective upon approval of the Oneida Business Committee, unless where General Tribal Council approval is additionally required.

(a) All existing entities must comply with this format and present ~~by-laws~~bylaws for adoption within a reasonable time after creation of the entity, or within a reasonable time after adoption of this ~~policy.~~ By-laws~~law.~~

(b) Bylaws must contain ~~this~~at least the minimum information required by law, although more information is not prohibited.

~~105.8-2. Specifically excepted from this section are~~ (c) Exception. Task Forces and Ad Hoc Committees are excepted from the requirement to have bylaws. However, these entities must have, at minimum, mission or goal statements for completion of the task.

~~105.8-3. There~~10-2. Articles. Bylaws shall ~~be~~contain, at a minimum, the following Articles:

- (a) Article I. Authority.
- (b) Article II. Officers.
- (c) Article III. Meetings.
- (d) Article IV. ~~Reporting~~Expectations.
- (e) Article V. Stipends and Compensation.
- (f) Article VI. Records and Reporting.
- (g) Article VII. Amendments.

~~105.8-4~~10-3. Sections. Articles shall be divided into "~~Sections~~sections" as set out.

(a) "Article I. Authority" ~~consists~~shall consist of the following ~~information:~~

(1) Name. ~~All entities should list the~~ The full name of the entity. ~~In addition, there should be listed~~ shall be stated, along with any short name that will be officially used.

(2) Authority Establishment. This section ~~should~~shall state the citation and name, if any, of the creation document.

~~(3)~~(3) Authority. This section shall state the purpose for which the entity was created and what, if any, authority the entity is delegated.

(4) Office. There ~~should~~shall be listed the official office or post box of the entity.

~~(4)~~(5) Membership. The following information ~~should~~shall be in this section:

- (A) Number of members on the entity;
- (B) ~~How~~If members on the entity are elected or appointed; and how a member is elected or appointed;
- (C) How vacancies are filled; and
- (D) ~~The qualifications~~Qualifications for membership on the entity.

(i) In order to qualify for membership on an entity, a person shall meet the minimum age requirements set forth for status as a

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qualified voter of the Nation, unless a law, policy, or directive sets forth a minimum age requirement.

(6) Termination or Removal. This section shall identify causes for termination or removal, if any, in addition to those already identified in laws and/or policies of the Nation.

(7) Trainings and Conferences. This section shall describe any trainings and/or conferences that the entity deems necessary for members to responsibly serve the entity, if any.

(b) "Article II. Officers" ~~consists~~shall consist of the following ~~information~~:

(1) ~~Chair~~Chairperson and Vice-Chair~~Chairperson~~. This section creates the chairperson and vice-chairperson positions of the entity. Other officer positions may also be created here.

(2) ~~Chair duties~~Responsibilities of the Chairperson. Because of the importance of this position, ~~those~~all duties and responsibilities of the chairperson, as well as limitations ~~should~~of the chairperson shall be specifically listed here.

(3) Responsibilities of the Vice-Chair~~duties~~Chairperson. Because of the importance of this position, ~~those~~all duties and responsibilities of the vice-chairperson, as well as limitations ~~should~~of the vice-chairperson shall be specifically listed here.

(4) Responsibilities of Additional Offices and Duties~~Officers~~. There ~~should~~may be additional sections as needed for every ~~office~~officer position created in subsection one (1) above. These sections shall state all duties and responsibilities of the officer, as well as any limitations of the officer.

(5) ~~How chosen~~. ~~There should be specifically set out~~Selection of Officers. This section shall identify how a member of the entity ~~will occupy~~shall be selected for an official officer position ~~as set out in this section~~the entity.

~~(6)~~(6) Budgetary Sign-Off Authority and Travel. This section shall identify the entity's varying levels of budgetary sign-off authority, the members that are authorized to sign-off at each level, and how the entity shall handle approving travel on behalf of the entity.

(A) An entity shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(B) An entity shall approve a member's request to travel on behalf of the entity by majority vote at a regular or emergency meeting of the entity.

(7) Personnel. State entitiesThis section shall state the entity's authority for hiring personnel, if any, and the duties of such personnel.

(c) "Article III. Meetings" ~~consists~~shall consist of the following ~~information~~:

(1) Regular meetings. ThereThis section shall be listedidentify when and where regular meetings shall be held, and; how the entity shall provide notice of the meeting agenda, documents, and minutes ~~will be disbursed to the members~~.

(2) Emergency meetings. ThereThis section shall be listedidentify what constitutes an emergency meeting, how Emergencyemergency meetings shall be called ~~and noticed~~, and how the entity shall provide notice of the emergency meeting.



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~~(3)~~—(A) All bylaws shall include a provision requiring that within seventy-two (72) hours after an emergency meeting, the entity shall provide the Nation’s Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

(3) Joint Meetings. This section shall identify if joint meetings shall be held, the frequency and location of joint meetings, and how the entity shall provide notice of the meeting agenda, documents, and minutes.

(4) Quorum. This section shall ~~list~~identify how many members of an entity create a quorum.

(4) Order of Business. This section sets out how the agenda will be set up.

(5) Voting. This section ~~should list how~~shall identify voting ~~shall be taken,~~what requirements, such as, but not limited to:

(A) the percentages that shall be needed to pass different items;

(B) if, and when, the chairperson is allowed to vote;

(C) if the use of an e-poll is permissible; and

(D) if the use of and e-poll is permissible, who will serve as the Chairperson’s designee for the responsibility of conducting an e-poll, if a designee is utilized.

(d) ~~“Article IV. Reporting”~~“Article IV. Reporting” ~~consists~~shall consist of the following information:

(1) Behavior of Members. This section shall identify the behavioral expectations and requirements of a member of the entity, and identify how the entity shall enforce these behavioral expectations.

(2) Prohibition of Violence. This section shall prohibit any violent intentional act committed by a member of the entity that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, and set forth any further expectations regarding the prohibition of violence.

(3) Drug and Alcohol Use. This section shall prohibit the use of alcohol and prohibited drugs for a member of an entity when acting in their official capacity, and set forth any further expectations regarding the use of prohibited drugs and alcohol.

(4) Social Media. This section shall identify expectations for the use of social media in regards to official business of the entity.

(5) Conflict of Interest. This section shall state any standards and expectations additional to those required by law of the Nation in regards to conflicts of interest and how they are handled, as well as requirements related to prohibited activities resulting from disclosed conflicts of interest, and means by which a party can alleviate or mitigate the conflict of interest.

(e) “Article V. Stipends and Compensation” shall consist of the following information:

(1) Stipends. This section shall include a comprehensive list of all stipends members are eligible to receive and the requirements for collecting each stipend, if any in addition to those contained in this law.

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(2) Compensation. This section shall include details regarding all other forms of compensation members are eligible to receive and the requirements for collecting such compensation, if any in addition to those contained in this law.

(f) "Article VI. Records and Reporting" shall consist of the following information:

(1) Agenda Items. Agenda items shall be maintained in an identified consistent format as identified by this section.

(2) Minutes. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity. This may include a summary of action taken by the entity. This section shall identify the format for minutes, and a reasonable timeframe by which minutes shall be submitted to the Business Committee Support Office.

(3) Attachments. Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented. This section shall identify how records of attachments shall be kept.

(4) Oneida Business Committee Liaison. Entities ~~will report to~~ shall regularly communicate with the Oneida Business Committee member who is their designated liaison. This ~~reporting section shall identify a~~ format and frequency for communication which may be as the liaison and entity agree to, but not less than that required in any law or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. ~~Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and entity agree. Provided that, the agreement~~ The purpose of the liaison relationship is to uphold the ability of the liaison to act as a support to that entity.

~~(e)~~ (5) Audio Recordings. An entity shall audio record all meetings. This section shall state how the entity shall audio record meetings, and how the entity shall maintain the audio records.

(A) Exception. Audio recordings of executive session portions of a meeting shall not be required.

(g) "Article ~~V~~VII. Amendments" consists of:

(1) Amendments to By-laws. ~~There should be described~~ Bylaws. This section shall describe how amendments to the ~~by-laws shall take place. Provided that, bylaws are made. Any~~ amendments to bylaws shall conform to the requirements of this and any other policy. ~~Provided further, that amendments are of the Nation. Amendments to bylaws shall be approved by the Oneida Business Committee, in addition to the General Tribal Council when applicable,~~ prior to implementation.

### 105.11. Electronic Polling

105.11-1. An entity may utilize an e-poll when approval of an action may be required before the next available meeting agenda of the entity.

105.11-2. Conducting an E-Poll. The Chairperson of the entity, or designee, shall e-mail the e-poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-



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mail address of the entity. The e-poll's message shall include the following information:

(a) The e-mail subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.

(b) The body of the e-poll shall contain the following elements:

(1) An executive summary of the reason for the request and why the request cannot be presented at the next available meeting of the entity;

(2) A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action;"

(3) All attachments in \*.pdf format, which are necessary to understand the request being made; and

(4) A deadline date for a response to be returned regarding the results of the electronic poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response."

(A) E-poll requests shall be open for response not less than one (1) hour and no more than twenty-four (24) hours.

(B) The time frame for responses shall be determined by the Secretary of the entity, or designee, based on urgency, scheduling, and any other pertinent factors.

### 105.11-3.

~~105.9~~ *Response to an E-Poll.* A response from a member of an entity shall be valid if received from an official e-mail address of the entity. No responses from unknown e-mails or personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of members of the entity in order to be an official vote.

(a) E-polls that receive at least a majority of supporting votes by the deadline are considered to be approved.

(b) E-polls for which insufficient responses were received by the deadline are considered to have failed to receive support, and result in a denied request.

(c) E-polls that result in a denied request may be reconsidered by the entity at the next available meeting.

(d) The Chairperson, or designee, shall monitor all responses and deadline dates for responses.

105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be placed on the next meeting agenda of the entity to be entered into the record. The agenda item shall contain the following information:

(a) Original e-poll request and all supporting documentation;

(b) A summary of the e-poll results identifying each member of the entity and his or her response; and

(c) A copy of any comment by a member of the entity if comments are made beyond a vote.

## 105.12. Reporting Requirements

### 105.12-1. Minutes

~~105.9-1~~ All minutes shall be submitted to the ~~Tribal Secretary's~~ Business Committee Support Office within a reasonable time after approval by the entity; as identified in the entity's bylaws.

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~~105.9-2.~~ (a) Actions taken by an entity are valid ~~when~~ upon approval of the action by vote, unless the bylaws of the entity otherwise require minutes are approved, provided that, minutes are to be approved by the entity before the actions are valid.

(b) Minutes shall be filed according to this section, and any specific directions within approved ~~by laws~~ bylaws.

~~(c) 105.9-3.~~ No action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an entity unless specifically required by the ~~by-laws~~ bylaws of that entity.

105.12-2. Standard Operating Procedures. All standard operating procedures established by an entity shall be submitted to the Business Committee Support Office, where they shall be kept on file.

105.12-3. Quarterly Reports to the Oneida Business Committee. Entities shall provide quarterly reports to the Oneida Business Committee in accordance with the quarterly reporting schedule approved by the Oneida Business Committee. All quarterly reports shall be approved by official entity action before they are submitted. The quarterly reports shall not contain any information that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the entity shall attend the Oneida Business Committee meeting where the quarterly report is an agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business Committee and contain the following information:

(a) Contact Information. The name of the entity, the member submitting the report, the Oneida Business Committee liaison; and a list of the members and their titles, term expiration dates and contact information.

(b) Meetings. When and how often the entity is holding meetings and whether any emergency meetings have been held.

(1) If emergency meetings were held, the report shall indicate the basis of the emergency for each meeting.

(c) Accomplishments. Details of what the entity has accomplished that ~~entity~~ quarter, including any special events held during the reporting period and any travel by the members and/or staff.

(d) Goals. Details of both ~~105.9-4. In the event of dissolution~~ entity's long term goals, the entity's goals for the next quarter, and projected quarterly activities.

(e) Budget. The amount of ~~an~~ the entity's budget, the status of the budget at that quarter, the amount of each stipend a member may be eligible to receive, how the budget is being utilized by the entity, ~~all files and documents are~~ and projected budgetary uses for the next quarter.

(f) Requests. Details of any requests to the Oneida Business Committee.

(g) Other. And any other information deemed appropriate by the entity, as well as any other information required ~~to be forwarded to the Tribal Secretary's Office for proper storage and disposal~~ by a law or policy of the Nation.

~~105.10. Dissolution of~~ 12-4. Annual and Semi-Annual Reports to the General Tribal Council.  
Entities

~~105.10-1. All entities of the Tribe shall be dissolved according to this section. Provided that other specific directions may be included within by-laws.~~

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~~105.10-2. A task force or ad hoc committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a task force or ad hoc committee shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution.~~

~~105.10-3. All other entities of the Tribe shall be dissolved only by motion of~~ provide annual reports to the Oneida General Tribal Council ~~or based on their activities during the previous fiscal year, and semi-annual reports based on their activities during the current fiscal year. All annual and semi-annual reports shall follow a format prescribed by~~ the Oneida Business Committee. ~~Unless otherwise indicated, the materials generated by these entities shall be forwarded to the Tribal Secretary's Office for proper disposal within two weeks of dissolution.~~

~~105.10-4. All Chairpersons~~ (a) Annual and Secretaries of dissolved entities semi-annual reports shall be responsible for closing out open business contain information on the number of substantiated complaints against all members of the entity.

(b) Each entity with oversight of a department shall also submit annual and ~~forwarding materials~~ semi-annual reports for each department the entity oversees.

~~105.11-105.12-5.~~ Any failure to comply with the reporting requirements may result in the Oneida Business Committee placing a hold on the release of a stipend payment.

### **105.13. Stipends, Reimbursement and Compensation for Service**

~~105.13-1. Stipends~~ ~~105.11-1. Compensation~~ and reimbursement for expenses shall ~~be follow~~ the procedures as set out in this section and according to procedures for payment as set out ~~in~~ this section and according to procedures for payment as set out by the Oneida Tribe of Indians of Wisconsin by the Nation.

~~105.11-2. The Oneida Tribe recognizes that persons serving on entities of the Tribe, whether elected or appointed, incur some expense. Therefore, the Tribe, in order to attract persons to serve on entities, shall pay stipends to these members in accordance with this section.~~

~~105.11-3. Meeting Stipends for Appointed Members.~~ Except provided in sub (a) and unless otherwise declined by the entity through its bylaws, or declined by a member(s), appointed members serving on entities shall be paid a stipend of no more than \$50 per month when at least one (1) meeting is conducted where a quorum has been established in accordance with the duly adopted by laws of that entity. Provided that the meeting lasts for at least one (1) hour and that members collecting stipends must be present for at least one (1) hour of the meeting.

~~(a) Members serving on the Oneida Child Protective Board shall be exempt from the \$50 stipend per month limitation and shall receive a \$50~~ 105.13-2. The Oneida Business Committee shall set stipend for each meeting held in accordance with amounts by resolution. ~~105.11-3.~~

~~105.11-4. Meeting Stipends for Elected Members.~~ Unless otherwise declined by the entity through its bylaws, or declined by a member(s), elected members serving on entities shall be paid a minimum stipend of \$50 for each meeting which has established a quorum in accordance with the duly adopted by laws of that entity for at least one (1) hour, regardless of the length of the meeting. Members collecting stipends must be present for at least one (1) hour of the meeting, regardless of the length of the meeting.

~~105.11-5.~~ The Oneida Business Committee shall periodically review the amounts provided for

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~~meeting~~ stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending ~~this Policy~~ the resolution. Stipends are paid in the form of cash or cash equivalent, which may include, but is not limited to, gift cards.

105.13-3. Meeting Stipends. A member of an entity shall only receive a meeting stipend for a regular or emergency meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

(a) Meeting Stipends for an Appointed Entity. An individual serving on an appointed entity shall be paid no more than one (1) meeting stipend per month.

(b) Meeting Stipends for an Elected Entity. An individual serving on an elected entity shall be paid no more than two (2) meeting stipends per month.

105.13-4. Joint Meeting Stipends. A member of an entity shall only receive a stipend for a joint meeting where a quorum has been established in accordance with the duly adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically present for the entire meeting.

(a) An individual shall receive a stipend for his or her attendance at a duly called joint meeting.

(1) A joint meeting stipend does not count towards the limitation on meeting stipends as provided for in section 105.13-3(a)-(b).

105.13-5. ~~105.11-6.~~ Oneida Judiciary Hearings. A member of an entity shall receive a Judiciary hearing stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

105.13-6. Hearings of an Entity. A member of an entity that maintains hearing authority may obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of all functions related to the resolution of the matter notwithstanding the amount of time it takes to resolve the matter, including, but not limited to, any continuations of the hearing and decision drafting.

105.13-7. Other Stipends. The Oneida Business Committee shall determine if, and when, any other stipends are appropriate to compensate members of entities for their official actions. All possible stipends shall be included in the Oneida Business Committee resolution which sets stipend amounts.

105.13-8. Conferences and Training. A member of any entity, elected or appointed, shall be reimbursed in accordance with the ~~Tribal~~ Nation's policy for travel and per diem, for attending a conference or training. Provided that:

(a) A member shall be eligible for a ~~\$100~~ stipend for each full day the member is present at the conference or training, when attendance at the conference or training is required by law, bylaw or resolution.

(b) A member shall not be eligible for a conference and training stipend if that training is not required by law, bylaw or resolution.

(c) No stipend payments shall be made for those days spent traveling to and from the conference or training.

105.11-7. ~~13-9.~~ Business Expenses. All members of entities shall be eligible for reimbursement for normal business expenses naturally related to membership in the entity.

105.11-8 ~~13-10.~~ Task Force ~~members and~~ ~~members~~ Ad Hoc Subcommittees. Members of task

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~~force, ad hoc committees and~~ subcommittees shall not be eligible for stipends unless specific exception is made by the Oneida Business Committee or the Oneida General Tribal Council.

#### **105.12~~14~~. Confidential Information**

~~105.12~~14~~-1. The Oneida Tribe is involved in numerous business ventures and governmental functions where it is necessary that private information be kept in the strictest confidence to assure the continued success and welfare~~All members of the Tribe. It is in the best interest of the Oneida Tribe that all officials~~an entity shall~~ maintain in a confidential manner all information, whether of historical, immediate, or future use or need, obtained through their position on the entity. The Oneida Tribe ~~desires~~Nation requires that all ~~officials~~members of an entity who have access to the ~~Oneida Tribe's~~Nation's confidential information be subject to specific limitations in order to protect the interest of the ~~Oneida Tribe.~~ It is the intention of the Oneida TribeNation and ensure that no persons engaged in by the ~~Tribe~~Nation, nor their relatives or associates, benefit from the use of confidential information.

~~105.12-2. Confidential information means all information or data, whether printed, written, or oral, concerning business or customers of the Oneida Tribe, disclosed to, acquired by, or generated by officials in confidence at any time during their elected or appointed term or during their employment.~~

~~(a)105.12-3.~~ Confidential information shall be considered and kept as the private and privileged records of the ~~Oneida Tribe~~Nation and will not be divulged to any person, firm, corporation, or other entity except by direct written authorization of the Oneida Business Committee.

~~105.12-4. An official~~(b) A member of an entity will continue to treat as private and privileged any confidential information, and will not release any such information to any person, firm, corporation, or other entity, either by statement, deposition, or as a witness, except upon direct written authority of Oneida Business Committee, and the ~~Oneida Tribe~~Nation shall be entitled to an injunction by any competent court to enjoin and restrain the unauthorized disclosure of such information. Such restriction continues after termination of the relationship with the ~~Oneida Tribe~~Nation and the entity.

~~(c)105.12-5.~~ Upon completion or termination of his/~~or~~ her elected or appointed term of membership in an entity, for any cause whatsoever, the ~~official~~member of the entity will surrender to the ~~Oneida Tribe~~Nation, in good condition, all records kept by the ~~employee~~member of the entity.

~~105.12-6:(d)~~ No ~~official~~member of an entity shall disclose confidential information acquired by reason of his/~~her~~ other relationship or status with the ~~Oneida Tribe~~Nation for his/~~or~~ her personal advantage, gain, or profit, or for the advantage, gain, or profit of a relative or associate.

105.14-2. Any records created or obtained while as an official of an entity are the property of the Nation and can only be removed or destroyed by approval from a majority vote of the entity at a duly called meeting. All removal or destruction of documents must be made in accordance with the Nation's laws and policies regarding open records and open meetings.

105.14-3. Official Oneida Nation E-mail Address. Each member of an entity shall be provided an official Oneida e-mail address upon election or appointment for the purpose of conducting business of the entity electronically.



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(a) If a member is also an employee of the Nation, he or she shall receive a separate e-mail address from his or her regular work e-mail address.

(b) A member of an entity shall sign an acknowledgment form provided by the Nation's Secretary indicating notice of the Nation's applicable computer and media related laws, policies and rules. The Nation's Secretary shall maintain a record of all such acknowledgment forms.

(c) A member of an entity shall not use any personal or work e-mail address to electronically conduct any business of the entity.

(d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall instruct the Management Information Systems department to disable the e-mail address for the member having vacated the position.

### **105.15. Conflicts of Interest**

105.15-1. All members of an entity are required to adhere to the Nation's laws and policies governing conflicts of interest.

105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's Secretary on an annual basis.

(a) Upon receiving information of a potential conflict of interest, the Nation's Secretary shall request a determination from the Oneida Law Office whether further action must be taken by the Nation regarding the status of the official.

105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political appointees shall not serve on an appointed or elected entity.

### **105.16. Use of the Nation's Assets**

#### ~~105.13. Conflicts of Interest~~

##### ~~Subpart A. General~~

~~105.13-1. The Oneida Tribe recognizes the ability of all persons to serve on entities of the Oneida Tribe. However, it is also recognized that the delegated authority and responsibilities of an entity may cause conflict with membership on other entities or employment.~~

~~105.13-2. It is the policy of the Oneida Tribe to request a candidate to disclose possible conflicts prior to election or appointment to allow the conflicts to be resolved in a timely manner.~~

~~105.13-3. Officials shall disclose and resolve conflicts of interest in a reasonable and timely manner. Failure to resolve conflicts shall result in removal from office for elected officials and may result in termination of appointment for appointed officials. Provided that, all applicants shall submit, with the application forms, a signed conflict of interest declaration disclosing all known conflicts.~~

~~105.13-4. This section sets forth specifically prohibited conflicts of interests. However, for any individual candidate or member on an entity, conflicts may arise within the by-laws of that entity or employment relationships.~~

~~105.13-5. No official shall act as a consultant, agent, representative for, or hold any position as an officer, director, partner, trustee, or belong as a member in a board, committee or~~

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~~commission, or the like without first disclosing such activity to determine possible conflicts of interest.~~

*~~Subpart B. Employment Interests~~*

~~105.13-6. No official shall hold office in an entity which has authority over the area in which the official is employed by the Oneida Tribe or elsewhere. The Oneida Tribe recognizes the ability of all persons to serve on entities of the Oneida Tribe, however, recognizes the conflict arising out of membership on an entity and employment in an area over which the entity has authority.~~

~~105.13-7. Employment is defined for this subpart as that area which the employee supervises or is supervised in regards to a specific subject matter.~~

~~105.13-8. Authority of an entity is defined for this subpart as that area over which the entity has subject matter jurisdiction delegated either by the Oneida Business Committee or Oneida General Tribal Council, and for which that authority may be regulatory, oversight, or otherwise.~~

*~~Subpart C. Financial Interests, Investments, and Gifts~~*

~~105.13-9. No official, or their immediate family, may have a financial interest in any transaction between the entity and an outside party where the official has a financial or familial relationship.~~

~~105.13-10. The following words are defined for the purposes of this subpart:~~

~~(a) "Financial interest" means any profit sharing arrangements, rebates, payments, commissions, or compensation in any form, and shall include any form of ownership, regardless of ability to control the activities of the business. Provided that, this shall not include ownership of shares which, other than in combination with others, cannot exert a controlling influence on the activities of the business and in relation to the outstanding shares, the ownership of shares represents a small part of the whole.~~

~~(b) "Transaction" means any activity wherein a provider of goods and/or services is compensated in any form.~~

~~(c) "Immediate family" means the mother, father, sister, brother, daughter, son, granddaughter, grandson, grandfather, grandmother and these relationships with any spouse.~~

~~105.13-11. As referred to in this Subpart, entity includes for the purposes of defining conflicts, the programs or enterprises over which the entity has delegated authority.~~

~~105.13-12. Officials shall avoid personal investment in any business with which the Oneida Tribe has or is expected to have a contractual or other business relationship. Notwithstanding the foregoing, however, an investment by an official in a business with which the Oneida Tribe has dealings is permissible if the Oneida Business Committee or other delegated authority determines in writing that:~~

~~(a) the investment is not made or cannot be considered to have been made on the basis of confidential information, and~~

~~(b) the investment cannot be expected to adversely affect or influence the official's judgement in the performance of any services or obligations on behalf of the Oneida Tribe.~~

~~105.13-13. Officials shall not use their relationship with the Oneida Tribe to exercise undue~~



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14 ~~influence to obtain anything which is not freely available to all prospective purchasers.~~

15 ~~105.13-14. No official~~16-1. Entities shall accept gifts, payments for personal gain, opportunities  
16 to invest, opportunities to act as an agent, a consultant, or a representative for actual or potential  
17 purchasers, sales sources, contractors, consultants, customers or suppliers, or accept any direct or  
18 indirect benefit from any actual or potential purchaser, sales source, contractor, consultant,  
19 customer, or supplier.

20 ~~105.13-15. No official shall accept any gift, entertainment, service, loan, promise of future~~  
21 ~~benefits or payment of any kind which the Oneida Business Committee or other delegated~~  
22 ~~authority determines adversely affects or influence his/her judgement in the performance of any~~  
23 ~~services, duties, obligations or responsibilities to the Oneida Tribe, or impairs confidence in the~~  
24 ~~Oneida Tribe.~~

25 ~~105.13-16. Notwithstanding the foregoing, however, officials may accept or provide business-~~  
26 ~~related meals, entertainment, gifts or favors when the value involved is insignificant and the~~  
27 ~~Oneida Business Committee or other delegated authority has determined that it clearly will not~~  
28 ~~place him/her under any obligation.~~

29  
30 *Subpart D. Competition With The Oneida Tribe*

31 ~~105.13-17. No official shall enter into competition with the Oneida Tribe in the purchase or sale~~  
32 ~~of any property, property rights or interests, without prior consent of the Oneida Tribe.~~

33 ~~105.13-18. An official may enter into competition with the Oneida Tribe where the activity~~  
34 ~~engaged is approved through an Oneida entrepreneur development program or other similar~~  
35 ~~Oneida program and does not otherwise violate this policy.~~

36  
37 *Subpart E. Use Of Tribal Assets*

38 ~~105.13-19. All~~maintain all bank accounts for ~~tribal~~the Nation's funds ~~shall be maintained~~ in the  
39 name of the Oneida ~~Tribe~~Nation. Bank accounts will be reflected on the Oneida  
40 ~~Tribe's~~Nation's books in accordance with Generally Accepted Accounting ~~Proceedures~~Principles.

41 ~~105.13-20~~16-2. Each ~~official~~member of an entity shall comply with the system of internal  
42 accounting controls sufficient to provide assurances that:

- 43 (a) all transactions are executed in accordance with management's authorization; and
- 44 (b) access to assets is permitted only in accordance with management's authorization;
- 45 and
- 46 (c) all transactions are recorded to permit preparation of financial statements in  
47 conformity with ~~generally accepted accounting principles~~Generally Accepted Accounting  
48 Principles or other applicable criteria.

49 ~~105.13-21. Any records created or obtained while as an official of an entity of the Oneida Tribe~~  
50 ~~is/are the property of the Oneida Tribe and can only be removed or destroyed by approval from a~~  
51 ~~quorum of the entity at a duly called meeting. All removal or destruction of documents must be~~  
52 ~~made in accordance with the Open Records and Open Meetings law.~~

53  
54 *Subpart F. Disclosure*

55 ~~105.13-22. Each official shall disclose any outside activities or interests that conflict or suggest~~  
56 ~~a potential conflict with the best interests of the Oneida Tribe by completely filling out the~~  
57 ~~application for membership or informing the Oneida Business Committee or other designated~~  
58 ~~authority after election or appointment of a conflict arising during membership on an entity.~~

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59  
60 ~~Subpart G. Reporting~~  
61 ~~105.13-23. All conflicts or potential conflicts that arise during membership on an entity shall be~~  
62 ~~immediately reported to the Tribal Secretary of the Oneida Tribe. Upon receiving information of~~  
63 ~~a potential conflict of interest, the Tribal Secretary shall request a determination from the Oneida~~  
64 ~~Law Office whether further action must be taken by the Oneida Tribe regarding the status of the~~  
65 ~~official.~~

66 ~~105.13-24.105.16-3.~~ Any evidence of noncompliance with any policy regarding the use of tribal  
67 assets shall be immediately reported to the ~~internal audit staff~~ Internal Audit department. If the  
68 ~~internal audit staff~~ Internal Audit department finds evidence of noncompliance they shall notify  
69 the Oneida Law Office ~~of the Oneida Tribe~~, who will then make a determination of further action  
70 to be taken, if any.

71  
72 **105.17. Dissolution of an Entity**

73 105.17-1. Dissolution of a Task Force or Ad Hoc Committee. A task force or ad hoc committee  
74 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the  
75 materials generated by a task force or ad hoc committee shall be forwarded to the ~~Subpart H.~~  
76 Business Committee Support Office for proper disposal within two (2) weeks of the dissolution.

77 105.17-2. Dissolution of an Entity. All other entities of the Nation shall be dissolved only by  
78 motion of the Oneida General Tribal Council or the Oneida Business Committee.

79 105.17-3. Notice of Dissolution. Within five (5) business days of the Oneida General Tribal  
80 Council or the Oneida Business Committee taking official action to dissolve an entity, the  
81 Oneida Business Committee shall provide the entity written notice of the dissolution.

82 105.17-4. Management of Records and Materials. All chairpersons and secretaries of dissolved  
83 entities shall be responsible for closing out open business of the entity and forwarding all  
84 materials and records to the Business Committee Support Office for proper storage and disposal  
85 within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The  
86 Business Committee Support Office may utilize the assistance of the Records Management  
87 Department and/or any other appropriate department for the storage and disposal of the records  
88 and materials.

89 (a) The entity may request the Oneida Business Committee to grant a one (1) week  
90 extension of the time allowed to close out open business of the entity and forward all  
91 materials and records to the Business Committee Support Office.

92  
93 **105.18. Enforcement ~~And Penalties~~**

94 ~~105.13-25. Officials~~ 105.18-1. Any member of an entity found to be in violation of this  
95 policy ~~law~~ may be ~~removed~~ subject to:

96 (a) sanctions and penalties in accordance with any laws or policies of the Nation  
97 governing sanctions and/or penalties;

98 (b) removal pursuant to ~~the Removal Law~~ any laws or policies of the Nation's governing  
99 removal, if the individual is a member of an elected entity; or ~~have their~~

100 (c) termination of appointment ~~terminated~~ by the Oneida Business Committee, if the  
101 individual is a member of an appointed entity.

102 ~~105.13-26. Candidates for appointment or election to office found in violation of this policy may~~  
103 ~~be disqualified from taking office.~~

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105  
~~106~~  
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113  
|114  
115  
116

*End.*

- 
- Adopted - BC-~~8-208-02~~-95-A
  - Amended - BC-~~505~~-14-97-F
  - Emergency Amendments - BC-04-12-06-JJ
  - Amended - BC-~~909~~-27-06-E (permanent adoption of emergency amendments)
  - Amended – BC-09-22-10-C
  - ~~Amended – BC- - - -~~

**Title 1. Government and Finances – Chapter 105**  
**BOARDS, COMMITTEES AND COMMISSIONS**  
**Laotiyani\hsla'shúha katyohkwaya'tú'se'**  
*Their laws of the groups we have*

- |                                    |  |
|------------------------------------|--|
| 105.1. Purpose and Policy          | 105.10. Bylaws                                   |
| 105.2. Adoption, Amendment, Repeal | 105.11. Electronic Polling                       |
| 105.3. Definitions                 | 105.12. Reporting Requirements                   |
| 105.4. Creation of an Entity       | 105.13. Stipends, Reimbursement and Compensation |
| 105.5. Applications                | 105.14. Confidential Information                 |
| 105.6. Vacancies                   | 105.15. Conflicts of Interest                    |
| 105.7. Appointment to an Entity    | 105.16. Use of the Nation's Assets               |
| 105.8. Election to an Entity       | 105.17. Dissolution of an Entity                 |
| 105.9. Oath of Office              | 105.18. Enforcement                              |

---

1  
2 **105.1. Purpose and Policy**  
3 105.1-1. It is the purpose of this law to govern boards, committees, and commissions of the  
4 Nation, including the procedures regarding the appointment and election of persons to boards,  
5 committees and commissions, creation of bylaws, maintenance of official records, compensation,  
6 and other items related to boards, committees and commissions.  
7 (a) This law shall not apply to the Oneida Business Committee, or Standing Committees  
8 of the Oneida Business Committee.  
9 (b) This law does not apply to Tribal corporations due to the corporate structure and  
10 autonomy of those entities.  
11 105.1-2. It is the policy of the Nation to have consistent and standard procedures for choosing  
12 and appointing or electing the most qualified persons to boards, committees and commissions,  
13 for creation of bylaws governing boards committees and commissions, and for the maintenance  
14 of information created by and for boards, committees and commissions.  
15  
16 **105.2. Adoption, Amendment, Repeal**  
17 105.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-14-97-F  
18 and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and BC-\_\_-\_\_-\_\_-\_\_.  
19 105.2-2. This law may be amended or repealed by the Oneida Business Committee or the  
20 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.  
21 105.2-3. Should a provision of this law or the application thereof to any person or circumstances  
22 be held as invalid, such invalidity shall not affect other provisions of this law which are  
23 considered to have legal force without the invalid portions.  
24 105.2-4. In the event of a conflict between a provision of this law and a provision of another  
25 law, the provisions of this law shall control.  
26 105.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
27  
28 **105.3. Definitions**  
29 105.3-1. This section shall govern the definitions of words and phrases used within this law. All  
30 words not defined herein shall be used in their ordinary and everyday sense.  
31 (a) "Application" means the form by which a person seeks to be appointed to fill a  
32 vacancy on an entity.

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- 33 (b) "Appointment" means the process by which a person is chosen to fill a vacancy on an  
34 entity by the Oneida Business Committee.
- 35 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m.,  
36 excluding holidays recognized by the Nation.
- 37 (d) "Bylaws" means a document which provides a framework for the operation and  
38 management of a board, committee, or commission of the Nation chiefly for the  
39 government of its members and the regulation of its affairs.
- 40 (e) "Conference" means any training, seminar, meeting, or other assembly of persons  
41 which is not an assembly of the entity.
- 42 (f) "Confidential information" means all information or data, whether printed, written, or  
43 oral, concerning business or customers of the Nation, disclosed to, acquired by, or  
44 generated by a member of an entity in confidence at any time during their elected or  
45 appointed term or during their employment.
- 46 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,  
47 financial, political, or otherwise, in which an elected official, officer, political appointee,  
48 employee, contractor, or appointed or elected member, or their immediate family  
49 members, friends or associates, or any other person with whom they have contact, have  
50 that conflicts with any right of the Nation to property, information, or any other right to  
51 own and operate activities free from undisclosed competition or other violation of such  
52 rights of the Nation. In addition, conflict of interest also means any financial or familial  
53 interest an elected official, officer, political appointee, employee, contractor, or appointed  
54 or elected member or their immediate family members may have in any transaction  
55 between the Nation and an outside party.
- 56 (h) "Entity" means a board, committee or commission created by the General Tribal  
57 Council or the Oneida Business Committee whose members are appointed by the Oneida  
58 Business Committee or elected by the Nation's membership.
- 59 (i) "E-poll" means an electronic poll, which is the act of delivering an e-mail to all  
60 members of an entity, in order to seek a response which identifies a vote in favor of,  
61 opposing, or abstaining to an issue requiring approval by the entity.
- 62 (j) "Joint meeting" means a meeting with the Oneida Business Committee.
- 63 (k) "Nation" means the Oneida Nation.
- 64 (l) "Per Diem" means the payment made by the Nation to offset the costs of being on  
65 travel on behalf of the Oneida Nation.
- 66 (m) "Political appointee" means a person appointed by a member of the Oneida Business  
67 Committee to provide assistance with the Oneida Business Committee member's daily  
68 activities and operations.
- 69 (n) "Prohibited drugs" means marijuana, cocaine, opiates, amphetamines, phencyclidine  
70 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance  
71 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
72 States Code. This also includes prescription medication or over-the-counter medicine  
73 used in an unauthorized or unlawful manner.
- 74 (o) "Stipend" means the amount paid by the Oneida Nation to a person serving on a  
75 board, committee, or commission of the Nation in order to compensate the individual for  
76 his or her contribution of time, effort, and work for his or her board, committee, or  
77 commission for the betterment of the Nation.

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78 (p) "Subcommittee" means a subgroup of an entity; which is comprised of fewer than all  
79 members of the entity; which is designated one (1) or more specific responsibilities on  
80 behalf of the entity.

81 (q) "Substantiated complaint" means a complaint or allegation in a complaint that was  
82 found to be valid by clear and convincing evidence.

83 (r) "Task Force or Ad Hoc" means a group of persons gathered to pursue a single goal,  
84 the accomplishment of which means the disbanding of the group. The goal is generally  
85 accomplished in a short time period, i.e. less than one year, but the goal itself may be  
86 long-term.

87 (s) "Vacancy" means any position on any board, committee or commission caused by  
88 resignation, end of term, removal, termination, or creation of a new position.

89

#### 90 **105.4. Creation of an Entity**

91 105.4-1. An entity of the Nation shall be created by a resolution or law adopted by the Oneida  
92 Business Committee or General Tribal Council.

93 105.4-2. The law or resolution establishing the entity shall state the purpose of the entity and all  
94 powers and responsibilities delegated to the entity.

95 105.4-3. The Oneida Business Committee shall be responsible for drafting the initial bylaws of  
96 the entity.

97

#### 98 **105.5. Applications**

99 105.5-1. The Oneida Business Committee shall approve all applications to serve on an entity of  
100 the Nation. All application materials shall be available in the Business Committee Support Office  
101 and any other location specified by the Business Committee Support Office.

102 (a) All applications shall include:

103 (1) a statement explaining the attendance requirements of section 105.12-3; and

104 (2) a section regarding disclosures of conflicts of interest.

105 (b) An additional application form shall be required for those entities that require a  
106 background investigation. This background investigation application shall include the  
107 applicant's social security number and any other information required for a background  
108 investigation. The background investigation application shall be solely used for the  
109 background investigation and not included in the application materials that are then  
110 shared with the Oneida Business Committee, entity, and/or the Election Board.

111 105.5-2. Applications shall be filed with the Business Committee Support Office by 4:30 p.m. of  
112 the deadline date. Postmarked envelopes are accepted as filed if postmarked by the deadline date  
113 and received by the Business Committee Support Office within five (5) business days of the  
114 deadline.

115 105.5-3. Eight (8) days after the posted deadline for filing applications the Business Committee  
116 Support Office shall notify all persons who have filed an application of the date his or her  
117 application was received and if his or her application met the deadline to be considered for the  
118 election or appointment.

119 105.5-4. Applications for elected positions shall be verified according to the Nation's laws  
120 and/or policies governing elections. Applications for appointed positions shall be verified by the  
121 Business Committee Support Office as needed or as required in the bylaws of the entity.

122 105.5-5. *Insufficient Applicants*. In the event that there are an insufficient number of applicants



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123 after the deadline date has passed for appointed positions, the Oneida Business Committee may  
124 elect to:

- 125 (a) include within the pool of appointed persons late applications, or  
126 (b) repost for an additional time period. In the event of reposting, prior applicants will  
127 be considered to have filed applications within the deadline period.

128

### 129 **105.6. Vacancies**

130 105.6-1. The manner by which an individual fills a vacancy, either through election or  
131 appointment, shall determine that member's status as an appointed or elected official, despite the  
132 entity's classification as an appointed or elected entity pursuant to the entity's bylaws.

133 105.6-2. A position on an entity shall be considered vacant in the following situations:

134 (a) *End of Term*. A vacancy is effective as of 4:30 p.m. of the last day of the month in  
135 which the term ends.

136 (1) Although a position is considered vacant once the term ends, the member of  
137 the entity may remain in office until the member's successor has been sworn in by  
138 the Oneida Business Committee in an effort to prevent a discontinuation of  
139 business or a loss of quorum for the entity.

140 (b) *Removal*. Removal is effective, pursuant to any law and/or policy of the Nation  
141 regarding removal.

142 (c) *Termination of Appointment*. A termination is effective upon a two-thirds (2/3)  
143 majority vote of the Oneida Business Committee in favor of a member's termination of  
144 appointment.

145 (d) *Resignation*. A resignation is effective upon:

146 (1) Deliverance of a letter to the Business Committee Support Office and to the  
147 Chairperson of the entity, or designee; or

148 (2) Acceptance by motion of the entity of a verbal resignation.

149 (e) *New Positions*. Vacancies on new entities are effective upon adoption of bylaws.

150 105.6-3. An entity shall notify the Business Committee Support Office as soon as the entity  
151 learns that a position has or will become vacant. All notices of vacancy shall be sent to the  
152 entities for clarification or confirmation prior to notification to the Oneida Business Committee.

153 105.6-4. The Business Committee Support Office shall forward the notice of vacancy to the  
154 Secretary. The Secretary shall request and receive approval from the Oneida Business  
155 Committee to post the notice of vacancy. The Business Committee Support Office shall post  
156 notice of vacancies at the following times:

157 (a) *End of Term*. Automatically sixty (60) days prior to completion of the term.

158 (b) *Removal*. No later than the next Oneida Business Committee meeting following the  
159 effective date of the removal.

160 (c) *Resignation*. No later than the next Oneida Business Committee meeting following  
161 the Business Committee Support Office's receipt of notice of an effective resignation  
162 from the entity.

163 (d) *New Positions*. Upon one of the following conditions:

164 (1) if not specified, immediately upon creation of entity or adoption of bylaws,  
165 whichever is later, or

166 (2) upon date specified when creating the entity.

167 (e) *Termination of appointment*. No later than the next Oneida Business Committee



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168 meeting following the effective date of the termination.

169 105.6-5. Notice of vacancies shall be posted by the Business Committee Support Office in all  
170 official media outlets of the Nation, as determined by the Oneida Business Committee, as well as  
171 any other location deemed appropriate by the Secretary.

172

173 **105.7. Appointment to an Entity**

174 105.7-1. *Appointment Selection.* The following procedures shall be used to determine how the  
175 applicant for an appointed position is selected:

176 (a) Eight (8) business days after the posted deadline for submitting an application, or  
177 within twenty-one (21) days of the posted deadline if the entity requires a background  
178 investigation to be completed as part of the application process, the Business Committee  
179 Support Office shall:

180 (1) deliver all applications, along with a summary of qualifications to hold office,  
181 and the results of the background investigation if required, to each member of the  
182 Oneida Business Committee as well as the entity's Chairperson; and

183 (2) place the appointment for the entity on the next executive session portion of  
184 the agenda of a regular or special Oneida Business Committee meeting in which  
185 the appointment is intended to be made.

186 (b) Each member of the Oneida Business Committee shall review the application  
187 materials prior to executive session and be prepared to discuss and select an applicant for  
188 appointment.

189 (1) The entity's Chairperson may have until the executive session to review the  
190 application materials and provide the Oneida Business Committee a  
191 recommendation of an applicant for appointment.

192 (c) The Oneida Business Committee shall have a full and complete discussion of the  
193 merits and qualifications of the potential applicants, and any recommendation made by  
194 the Chairperson of the entity, during executive session. After completing a thorough  
195 discussion, the Oneida Business Committee shall:

196 (1) choose an applicant for appointment, or

197 (2) ask the Oneida Nation's Secretary to re-notice the vacancy because of  
198 ineligible, unqualified, or under qualified applicants.

199 (d) All appointments shall be made by the Oneida Business Committee during the open  
200 session of a regular or special Oneida Business Committee meeting. The Oneida Business  
201 Committee shall not appoint an applicant who fails to meet the requirements set out in the  
202 entity's bylaws.

203 (e) During the open session of the regular or special Oneida Business Committee  
204 meeting, a member of the Oneida Business Committee may make a motion to appoint an  
205 individual. Oneida Business Committee members may:

206 (1) accept the selected applicant and vote to appoint the individual to the vacant  
207 position, or

208 (2) reject the selected applicant and vote to oppose the appointment of the  
209 individual.

210 (f) If the Oneida Business Committee rejects the selected applicant, the matter will be  
211 deferred to the next Oneida Business Committee meeting where another applicant may be  
212 recommended by the Oneida Business Committee, or the Oneida Business Committee

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213 may direct the vacancy to be re-posted. When a vacancy is re-posted under this section,  
214 all applications from the first posting shall be considered to have been filed within the  
215 deadline period.

216 105.7-2. *Notification of Appointment.* Once an individual is selected for appointment at an  
217 Oneida Business Committee meeting, the Nation's Secretary shall notify all applicants of the  
218 final status of their application.

219 (a) The Nation's Chairperson shall forward a list of all applicants to the Nation's  
220 Secretary and the final decision regarding the selection after the procedures for selection  
221 of an applicant described in section 105.7-1 are completed.

222 (b) The Nation's Secretary shall include on the notice to the applicant selected for  
223 appointment the following paragraph: "The Oneida Nation reports all income paid by the  
224 Oneida Nation in whatever form. The Internal Revenue Service of the United States  
225 considers stipends paid to members of boards, committees, and commissions to be  
226 income which may be offset by expenses related to that income. You will receive an  
227 income report which is also forwarded to the Internal Revenue Service, it is also your  
228 responsibility to keep documentation of expenses related to this income."

229 105.7-3. *Declination of Appointment.* An individual who has been selected for appointment to  
230 an entity by the Oneida Business Committee may decline the appointment.

231 (a) An individual may decline an appointment to an entity in the following ways:

232 (1) Delivery of an letter stating that the individual wishes to decline the  
233 appointment to the Business Committee Support Office; or

234 (2) The failure to take the oath of office within thirty (30) days of being selected  
235 for appointment by the Oneida Business Committee.

236 (b) The Business Committee Support Office shall notify the Oneida Business Committee  
237 if an individual declines an appointment to an entity. The Oneida Business Committee  
238 shall then use the original pool of applications for the vacancy posting and the process  
239 outlined in section 105.7-1 to select another applicant for appointment.

240 105.7-4. *Termination of Appointment.* An appointed member of an entity serves at the  
241 discretion of the Oneida Business Committee. Upon the recommendation of a member of the  
242 Oneida Business Committee or the entity, a member of an appointed entity may have his or her  
243 appointment terminated by the Oneida Business Committee.

244 (a) A two-thirds majority vote of the Oneida Business Committee shall be required in  
245 order to terminate the appointment of an individual.

246 (b) The Oneida Business Committee's decision to terminate an appointment is final and  
247 not subject to appeal.

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**249 105.8 Election to an Entity**

250 105.8-1. All elected positions shall be nominated at a caucus called by the Oneida Election  
251 Board, or petition for ballot placement, in accordance with the Nation's laws and/or policies  
252 governing elections, except where an entity's bylaws allow for a vacancy to be filled by  
253 appointment.

254 (a) When the Election Board notifies a petitioner or nominee that he or she is eligible to  
255 be placed on the ballot, the following paragraph shall be included: "The Oneida Nation  
256 reports all income paid by the Nation in whatever form. The Internal Revenue Service of  
257 the United States considers stipends paid to members of boards, committees, and  
258 commissions to be income which may be offset by expenses related to that income. You  
259 will receive an income report which is also forwarded to the Internal Revenue Service, it  
260 is also your responsibility to keep documentation of expenses related to this income."

261 105.8-2. All other processes for the election of a member of an entity shall be as directed by the  
262 Nation's laws and/or policies governing elections.

263

**264 105.9. Oath of Office**

265 105.9-1. All appointed and elected positions are official upon taking an oath during a regular or  
266 special Oneida Business Committee meeting. All rights and delegated authorities of membership  
267 in the entity shall vest upon taking the oath. The Nation's Secretary shall notify the chosen  
268 persons when they shall appear for taking the oath.

269 (a) The appointed or elected member shall appear in person at the Oneida Business  
270 Committee meeting to take his or her oath, except if granted permission by the Secretary  
271 to appear by video conferencing equipment.

272 105.9-2. The Oneida Business Committee shall approve wording of oaths. Any revisions of  
273 oaths shall be approved by the Oneida Business Committee prior to usage. Oaths shall be kept on  
274 file by the Business Committee Support Office.

275 105.9-3. Originals of the signed oath, or electronic copies of the originals of the signed oath,  
276 shall be maintained by the Business Committee Support Office. Copies of the oath shall be  
277 forwarded to the new member of the entity and the entity.

278 105.9-4. The following oath is the standard oath to be used unless a specific oath for the entity is  
279 pre-approved by the Oneida Business Committee: I, [name], hereby promise to uphold the laws  
280 and regulations of the Oneida Nation, the General Tribal Council, and the Oneida Nation  
281 Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida  
282 people with honor, respect, dignity, and sincerity and will strictly maintain confidential  
283 information. I will carry out the duties and responsibilities as a member of the [entity name], and  
284 all recommendations shall be made in the best interest of the Oneida Nation as a whole.

285 105.9-5. All oaths shall be sufficient to make the appointed or elected member of an entity  
286 aware of their duty to the Nation and as members of the entity.

287

**288 105.10. Bylaws**

289 105.10-1. All entities of the Nation shall have bylaws that conform to the requirements of this  
290 law. Bylaws shall become effective upon approval of the Oneida Business Committee, unless  
291 where General Tribal Council approval is additionally required.

292 (a) All existing entities must comply with this format and present bylaws for adoption  
293 within a reasonable time after creation of the entity, or within a reasonable time after

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- 294 adoption of this law.
- 295 (b) Bylaws must contain at least the minimum information required by law, although
- 296 more information is not prohibited.
- 297 (c) *Exception.* Task Forces and Ad Hoc Committees are excepted from the requirement
- 298 to have bylaws. However, these entities must have, at minimum, mission or goal
- 299 statements for completion of the task.
- 300 105.10-2. *Articles.* Bylaws shall contain, at a minimum, the following Articles:
- 301 (a) Article I. Authority.
- 302 (b) Article II. Officers.
- 303 (c) Article III. Meetings.
- 304 (d) Article IV. Expectations.
- 305 (e) Article V. Stipends and Compensation.
- 306 (f) Article VI. Records and Reporting.
- 307 (g) Article VII. Amendments.
- 308 105.10-3. *Sections.* Articles shall be divided into "sections" as set out.
- 309 (a) "Article I. Authority" shall consist of the following:
- 310 (1) *Name.* The full name of the entity shall be stated, along with any short name
- 311 that will be officially used.
- 312 (2) *Establishment.* This section shall state the citation and name, if any, of the
- 313 creation document.
- 314 (3) *Authority.* This section shall state the purpose for which the entity was
- 315 created and what, if any, authority the entity is delegated.
- 316 (4) *Office.* There shall be listed the official office or post box of the entity.
- 317 (5) *Membership.* The following information shall be in this section:
- 318 (A) Number of members on the entity;
- 319 (B) If members on the entity are elected or appointed, and how a member
- 320 is elected or appointed;
- 321 (C) How vacancies are filled; and
- 322 (D) Qualifications for membership on the entity.
- 323 (i) In order to qualify for membership on an entity, a person shall
- 324 meet the minimum age requirements set forth for status as a
- 325 qualified voter of the Nation, unless a law, policy, or directive sets
- 326 forth a minimum age requirement.
- 327 (6) *Termination or Removal.* This section shall identify causes for termination or
- 328 removal, if any, in addition to those already identified in laws and/or policies of
- 329 the Nation.
- 330 (7) *Trainings and Conferences.* This section shall describe any trainings and/or
- 331 conferences that the entity deems necessary for members to responsibly serve the
- 332 entity, if any.
- 333 (b) "Article II. Officers" shall consist of the following:
- 334 (1) *Chairperson and Vice-Chairperson.* This section creates the chairperson and
- 335 vice-chairperson positions of the entity. Other officer positions may also be
- 336 created here.
- 337 (2) *Responsibilities of the Chairperson.* Because of the importance of this
- 338 position, all duties and responsibilities of the chairperson, as well as limitations of

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339 the chairperson shall be specifically listed here.

340 (3) *Responsibilities of the Vice-Chairperson.* Because of the importance of this  
341 position, all duties and responsibilities of the vice-chairperson, as well as  
342 limitations of the vice-chairperson shall be specifically listed here.

343 (4) *Responsibilities of Additional Officers.* There may be additional sections as  
344 needed for every officer position created in subsection one (1) above. These  
345 sections shall state all duties and responsibilities of the officer, as well as any  
346 limitations of the officer.

347 (5) *Selection of Officers.* This section shall identify how a member of the entity  
348 shall be selected for an official officer position in the entity.

349 (6) *Budgetary Sign-Off Authority and Travel.* This section shall identify the  
350 entity's varying levels of budgetary sign-off authority, the members that are  
351 authorized to sign-off at each level, and how the entity shall handle approving  
352 travel on behalf of the entity.

353 (A) An entity shall follow the Nation's policies and procedures regarding  
354 purchasing and sign-off authority.

355 (B) An entity shall approve a member's request to travel on behalf of the  
356 entity by majority vote at a regular or emergency meeting of the entity.

357 (7) *Personnel.* This section shall state the entity's authority for hiring personnel,  
358 if any, and the duties of such personnel.

359 (c) "Article III. Meetings" shall consist of the following:

360 (1) *Regular meetings.* This section shall identify when and where regular  
361 meetings shall be held, and how the entity shall provide notice of the meeting  
362 agenda, documents, and minutes.

363 (2) *Emergency meetings.* This section shall identify what constitutes an  
364 emergency meeting, how emergency meetings shall be called, and how the entity  
365 shall provide notice of the emergency meeting.

366 (A) All bylaws shall include a provision requiring that within seventy-two  
367 (72) hours after an emergency meeting, the entity shall provide the  
368 Nation's Secretary with notice of the meeting, the reason for the  
369 emergency meeting, and an explanation of why the matter could not wait  
370 for a regular meeting.

371 (3) *Joint Meetings.* This section shall identify if joint meetings shall be held, the  
372 frequency and location of joint meetings, and how the entity shall provide notice  
373 of the meeting agenda, documents, and minutes.

374 (4) *Quorum.* This section shall identify how many members of an entity create a  
375 quorum.

376 (5) *Order of Business.* This section sets out how the agenda will be set up.

377 (6) *Voting.* This section shall identify voting requirements, such as, but not  
378 limited to:

379 (A) the percentages that shall be needed to pass different items;

380 (B) if, and when, the chairperson is allowed to vote;

381 (C) if the use of an e-poll is permissible; and

382 (D) if the use of and e-poll is permissible, who will serve as the  
383 Chairperson's designee for the responsibility of conducting an e-poll, if a



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- 384                   designee is utilized.
- 385           (d) "Article IV. Expectations" shall consist of the following information:
- 386               (1) *Behavior of Members*. This section shall identify the behavioral expectations
- 387               and requirements of a member of the entity, and identify how the entity shall
- 388               enforce these behavioral expectations.
- 389               (2) *Prohibition of Violence*. This section shall prohibit any violent intentional act
- 390               committed by a member of the entity that inflicts, attempts to inflict, or threatens
- 391               to inflict emotional or bodily harm on another person, or damage to property, and
- 392               set forth any further expectations regarding the prohibition of violence.
- 393               (3) *Drug and Alcohol Use*. This section shall prohibit the use of alcohol and
- 394               prohibited drugs for a member of an entity when acting in their official capacity,
- 395               and set forth any further expectations regarding the use of prohibited drugs and
- 396               alcohol.
- 397               (4) *Social Media*. This section shall identify expectations for the use of social
- 398               media in regards to official business of the entity.
- 399               (5) *Conflict of Interest*. This section shall state any standards and expectations
- 400               additional to those required by law of the Nation in regards to conflicts of interest
- 401               and how they are handled, as well as requirements related to prohibited activities
- 402               resulting from disclosed conflicts of interest, and means by which a party can
- 403               alleviate or mitigate the conflict of interest.
- 404           (e) "Article V. Stipends and Compensation" shall consist of the following information:
- 405               (1) *Stipends*. This section shall include a comprehensive list of all stipends
- 406               members are eligible to receive and the requirements for collecting each stipend,
- 407               if any in addition to those contained in this law.
- 408               (2) *Compensation*. This section shall include details regarding all other forms of
- 409               compensation members are eligible to receive and the requirements for collecting
- 410               such compensation, if any in addition to those contained in this law.
- 411           (f) "Article VI. Records and Reporting" shall consist of the following information:
- 412               (1) *Agenda Items*. Agenda items shall be maintained in a consistent format as
- 413               identified by this section.
- 414               (2) *Minutes*. Minutes shall be typed and in a consistent format designed to
- 415               generate the most informative record of the meetings of the entity. This may
- 416               include a summary of action taken by the entity. This section shall identify the
- 417               format for minutes, and a reasonable timeframe by which minutes shall be
- 418               submitted to the Business Committee Support Office.
- 419               (3) *Attachments*. Handouts, reports, memoranda, and the like may be attached to
- 420               the minutes and agenda, or may be kept separately, provided that all materials can
- 421               be identified to the meeting in which they were presented. This section shall
- 422               identify how records of attachments shall be kept.
- 423               (4) *Oneida Business Committee Liaison*. Entities shall regularly communicate
- 424               with the Oneida Business Committee member who is their designated liaison.
- 425               This section shall identify a format and frequency for communication which may
- 426               be as the liaison and entity agree to, but not less than that required in any law or
- 427               policy on reporting developed by the Oneida Business Committee or Oneida
- 428               General Tribal Council. The purpose of the liaison relationship is to uphold the



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429 ability of the liaison to act as a support to that entity.  
430 (5) *Audio Recordings*. An entity shall audio record all meetings. This section  
431 shall state how the entity shall audio record meetings, and how the entity shall  
432 maintain the audio records.

433 (A) *Exception*. Audio recordings of executive session portions of a  
434 meeting shall not be required.

435 (g) "Article VII. Amendments" consists of:

436 (1) *Amendments to Bylaws*. This section shall describe how amendments to the  
437 bylaws are made. Any amendments to bylaws shall conform to the requirements  
438 of this and any other policy of the Nation. Amendments to bylaws shall be  
439 approved by the Oneida Business Committee, in addition to the General Tribal  
440 Council when applicable, prior to implementation.

441

#### 442 **105.11. Electronic Polling**

443 105.11-1. An entity may utilize an e-poll when approval of an action may be required before the  
444 next available meeting agenda of the entity.

445 105.11-2. *Conducting an E-Poll*. The Chairperson of the entity, or designee, shall e-mail the e-  
446 poll to all members of the entity. Requests for an e-poll shall be sent only from an official e-mail  
447 address of the entity. The e-poll's message shall include the following information:

448 (a) The e-mail subject line shall begin with "E-poll Request:" and include a short title  
449 describing the purpose of the request.

450 (b) The body of the e-poll shall contain the following elements:

451 (1) An executive summary of the reason for the request and why the request  
452 cannot be presented at the next available meeting of the entity;

453 (2) A proposed motion which shall be in bold and identified in a separate  
454 paragraph by the words "Requested Action;"

455 (3) All attachments in \*.pdf format, which are necessary to understand the  
456 request being made; and

457 (4) A deadline date for a response to be returned regarding the results of the  
458 electronic poll which shall be in bold and identified in a separate paragraph by the  
459 words "Deadline for Response."

460 (A) E-poll requests shall be open for response not less than one (1) hour  
461 and no more than twenty-four (24) hours.

462 (B) The time frame for responses shall be determined by the Secretary of  
463 the entity, or designee, based on urgency, scheduling, and any other  
464 pertinent factors.

465 105.11-3. *Response to an E-Poll*. A response from a member of an entity shall be valid if  
466 received from an official e-mail address of the entity. No responses from unknown e-mails or  
467 personal e-mails shall be accepted. An e-poll request shall receive responses from a majority of  
468 members of the entity in order to be an official vote.

469 (a) E-polls that receive at least a majority of supporting votes by the deadline are  
470 considered to be approved.

471 (b) E-polls for which insufficient responses were received by the deadline are considered  
472 to have failed to receive support, and result in a denied request.

473 (c) E-polls that result in a denied request may be reconsidered by the entity at the next

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474 available meeting.

475 (d) The Chairperson, or designee, shall monitor all responses and deadline dates for  
476 responses.

477 105.11-4. *Entering an E-Poll in the Record.* Both approved and denied e-poll requests shall be  
478 placed on the next meeting agenda of the entity to be entered into the record. The agenda item  
479 shall contain the following information:

480 (a) Original e-poll request and all supporting documentation;

481 (b) A summary of the e-poll results identifying each member of the entity and his or her  
482 response; and

483 (c) A copy of any comment by a member of the entity if comments are made beyond a  
484 vote.

485

### 486 **105.12. Reporting Requirements**

487 105.12-1. *Minutes.* All minutes shall be submitted to the Business Committee Support Office  
488 within a reasonable time after approval by the entity, as identified in the entity's bylaws.

489 (a) Actions taken by an entity are valid upon approval of the action by vote, unless the  
490 bylaws of the entity otherwise require minutes to be approved by the entity before the  
491 actions are valid.

492 (b) Minutes shall be filed according to this section, and any specific directions within  
493 approved bylaws.

494 (c) No action or approval of minutes is required by the Oneida Business Committee on  
495 minutes submitted by an entity unless specifically required by the bylaws of that entity.

496 105.12-2. *Standard Operating Procedures.* All standard operating procedures established by an  
497 entity shall be submitted to the Business Committee Support Office, where they shall be kept on  
498 file.

499 105.12-3. *Quarterly Reports to the Oneida Business Committee.* Entities shall provide quarterly  
500 reports to the Oneida Business Committee in accordance with the quarterly reporting schedule  
501 approved by the Oneida Business Committee. All quarterly reports shall be approved by official  
502 entity action before they are submitted. The quarterly reports shall not contain any information  
503 that conflicts with any law, resolution, or policy of the Nation. At least one (1) member of the  
504 entity shall attend the Oneida Business Committee meeting where the quarterly report is an  
505 agenda item. Quarterly reports shall follow a format prescribed by the Oneida Business  
506 Committee and contain the following information:

507 (a) *Contact Information.* The name of the entity, the member submitting the report, the  
508 Oneida Business Committee liaison; and a list of the members and their titles, term  
509 expiration dates and contact information.

510 (b) *Meetings.* When and how often the entity is holding meetings and whether any  
511 emergency meetings have been held.

512 (1) If emergency meetings were held, the report shall indicate the basis of the  
513 emergency for each meeting.

514 (c) *Accomplishments.* Details of what the entity has accomplished that quarter, including  
515 any special events held during the reporting period and any travel by the members and/or  
516 staff.

517 (d) *Goals.* Details of both the entity's long term goals, the entity's goals for the next  
518 quarter, and projected quarterly activities.

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519 (e) *Budget*. The amount of the entity's budget, the status of the budget at that quarter,  
 520 the amount of each stipend a member may be eligible to receive, how the budget is being  
 521 utilized by the entity, and projected budgetary uses for the next quarter.

522 (f) *Requests*. Details of any requests to the Oneida Business Committee.

523 (g) *Other*. And any other information deemed appropriate by the entity, as well as any  
 524 other information required by a law or policy of the Nation.

525 105.12-4. *Annual and Semi-Annual Reports to the General Tribal Council*. Entities shall  
 526 provide annual reports to the Oneida General Tribal Council based on their activities during the  
 527 previous fiscal year, and semi-annual reports based on their activities during the current fiscal  
 528 year. All annual and semi-annual reports shall follow a format prescribed by the Oneida Business  
 529 Committee.

530 (a) Annual and semi-annual reports shall contain information on the number of  
 531 substantiated complaints against all members of the entity.

532 (b) Each entity with oversight of a department shall also submit annual and semi-annual  
 533 reports for each department the entity oversees.

534 105.12-5. Any failure to comply with the reporting requirements may result in the Oneida  
 535 Business Committee placing a hold on the release of a stipend payment.

536

### 537 **105.13. Stipends, Reimbursement and Compensation**

538 105.13-1. Stipends and reimbursement for expenses shall follow the procedures as set out in this  
 539 section and according to procedures for payment as set out by the Nation, unless otherwise  
 540 declined by the entity through its bylaws, or declined by a member.

541 105.13-2. The Oneida Business Committee shall set stipend amounts by resolution. The Oneida  
 542 Business Committee shall periodically review the amounts provided for stipends and, based on  
 543 the availability of funds, shall adjust those amounts accordingly by amending the resolution.  
 544 Stipends are paid in the form of cash or cash equivalent, which may include, but is not limited to,  
 545 gift cards.

546 105.13-3. *Meeting Stipends*. A member of an entity shall only receive a meeting stipend for a  
 547 regular or emergency meeting where a quorum has been established in accordance with the duly  
 548 adopted bylaws of that entity, that lasts for at least one (1) hour, and the member collecting the  
 549 stipend is physically present for the entire meeting.

550 (a) *Meeting Stipends for an Appointed Entity*. An individual serving on an appointed  
 551 entity shall be paid no more than one (1) meeting stipend per month.

552 (b) *Meeting Stipends for an Elected Entity*. An individual serving on an elected entity  
 553 shall be paid no more than two (2) meeting stipends per month.

554 105.13-4. *Joint Meeting Stipends*. A member of an entity shall only receive a stipend for a joint  
 555 meeting where a quorum has been established in accordance with the duly adopted bylaws of  
 556 that entity, that lasts for at least one (1) hour, and the member collecting the stipend is physically  
 557 present for the entire meeting.

558 (a) An individual shall receive a stipend for his or her attendance at a duly called joint  
 559 meeting.

560 (1) A joint meeting stipend does not count towards the limitation on meeting  
 561 stipends as provided for in section 105.13-3(a)-(b).

562 105.13-5. *Oneida Judiciary Hearings*. A member of an entity shall receive a Judiciary hearing  
 563 stipend if the member's attendance at the Judiciary hearing is required by official subpoena.

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564 105.13-6. *Hearings of an Entity.* A member of an entity that maintains hearing authority may  
565 obtain a hearing stipend for conducting hearings administered by the entity. A hearing consists of  
566 all functions related to the resolution of the matter notwithstanding the amount of time it takes to  
567 resolve the matter, including, but not limited to, any continuations of the hearing and decision  
568 drafting.

569 105.13-7. *Other Stipends.* The Oneida Business Committee shall determine if, and when, any  
570 other stipends are appropriate to compensate members of entities for their official actions. All  
571 possible stipends shall be included in the Oneida Business Committee resolution which sets  
572 stipend amounts.

573 105.13-8. *Conferences and Training.* A member of any entity, elected or appointed, shall be  
574 reimbursed in accordance with the Nation's policy for travel and per diem, for attending a  
575 conference or training. Provided that:

576 (a) A member shall be eligible for a stipend for each full day the member is present at the  
577 conference or training, when attendance at the conference or training is required by law,  
578 bylaw or resolution.

579 (b) A member shall not be eligible for a conference and training stipend if that training is  
580 not required by law, bylaw or resolution.

581 (c) No stipend payments shall be made for those days spent traveling to and from the  
582 conference or training.

583 105.13-9. *Business Expenses.* All members of entities shall be eligible for reimbursement for  
584 normal business expenses naturally related to membership in the entity.

585 105.13-10. *Task Force and Ad Hoc Subcommittees.* Members of task force, ad hoc committees  
586 and subcommittees shall not be eligible for stipends unless specific exception is made by the  
587 Oneida Business Committee or the Oneida General Tribal Council.  
588

#### 589 **105.14. Confidential Information**

590 105.14-1. All members of an entity shall maintain in a confidential manner all information  
591 obtained through their position on the entity. The Nation requires that all members of an entity  
592 who have access to the Nation's confidential information be subject to specific limitations in  
593 order to protect the interest of the Nation and ensure that no persons engaged in by the Nation,  
594 nor their relatives or associates, benefit from the use of confidential information.

595 (a) Confidential information shall be considered and kept as the private and privileged  
596 records of the Nation and will not be divulged to any person, firm, corporation, or other  
597 entity except by direct written authorization of the Oneida Business Committee.

598 (b) A member of an entity will continue to treat as private and privileged any  
599 confidential information, and will not release any such information to any person, firm,  
600 corporation, or other entity, either by statement, deposition, or as a witness, except upon  
601 direct written authority of Oneida Business Committee, and the Nation shall be entitled to  
602 an injunction by any competent court to enjoin and restrain the unauthorized disclosure of  
603 such information. Such restriction continues after termination of the relationship with the  
604 Nation and the entity.

605 (c) Upon completion or termination of his or her elected or appointed term of  
606 membership in an entity, for any cause whatsoever, the member of the entity will  
607 surrender to the Nation, in good condition, all records kept by the member of the entity.

608 (d) No member of an entity shall disclose confidential information acquired by reason of

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609 his other relationship or status with the Nation for his or her personal advantage, gain, or  
610 profit, or for the advantage, gain, or profit of a relative or associate.

611 105.14-2. Any records created or obtained while as an official of an entity are the property of the  
612 Nation and can only be removed or destroyed by approval from a majority vote of the entity at a  
613 duly called meeting. All removal or destruction of documents must be made in accordance with  
614 the Nation's laws and policies regarding open records and open meetings.

615 105.14-3. *Official Oneida Nation E-mail Address*. Each member of an entity shall be provided  
616 an official Oneida e-mail address upon election or appointment for the purpose of conducting  
617 business of the entity electronically.

618 (a) If a member is also an employee of the Nation, he or she shall receive a separate e-  
619 mail address from his or her regular work e-mail address.

620 (b) A member of an entity shall sign an acknowledgment form provided by the Nation's  
621 Secretary indicating notice of the Nation's applicable computer and media related laws,  
622 policies and rules. The Nation's Secretary shall maintain a record of all such  
623 acknowledgment forms.

624 (c) A member of an entity shall not use any personal or work e-mail address to  
625 electronically conduct any business of the entity.

626 (d) Immediately upon receipt of notice of an entity vacancy, the Nation's Secretary shall  
627 instruct the Management Information Systems department to disable the e-mail address  
628 for the member having vacated the position.

629

### 630 **105.15. Conflicts of Interest**

631 105.15-1. All members of an entity are required to adhere to the Nation's laws and policies  
632 governing conflicts of interest.

633 105.15-2. A member of an entity shall disclose a conflict of interest to the Nation's Secretary as  
634 soon as the conflict arises, and update a conflict of interest disclosure form with the Nation's  
635 Secretary on an annual basis.

636 (a) Upon receiving information of a potential conflict of interest, the Nation's Secretary  
637 shall request a determination from the Oneida Law Office whether further action must be  
638 taken by the Nation regarding the status of the official.

639 105.15-3. Due to the potential for a real or perceived conflict of interest to exist, political  
640 appointees shall not serve on an appointed or elected entity.

641

### 642 **105.16. Use of the Nation's Assets**

643 105.16-1. Entities shall maintain all bank accounts for the Nation's funds in the name of the  
644 Oneida Nation. Bank accounts will be reflected on the Oneida Nation's books in accordance with  
645 Generally Accepted Accounting Principles.

646 105.16-2. Each member of an entity shall comply with the system of internal accounting  
647 controls sufficient to provide assurances that:

648 (a) all transactions are executed in accordance with management's authorization; and

649 (b) access to assets is permitted only in accordance with management's authorization;  
650 and

651 (c) all transactions are recorded to permit preparation of financial statements in  
652 conformity with Generally Accepted Accounting Principles or other applicable criteria.

653 105.16-3. Any evidence of noncompliance with any policy regarding the use of tribal assets shall



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654 be immediately reported to the Internal Audit department. If the Internal Audit department finds  
 655 evidence of noncompliance they shall notify the Oneida Law Office, who will then make a  
 656 determination of further action to be taken, if any.

657

### 658 **105.17. Dissolution of an Entity**

659 105.17-1. *Dissolution of a Task Force or Ad Hoc Committee.* A task force or ad hoc committee  
 660 dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the  
 661 materials generated by a task force or ad hoc committee shall be forwarded to the Business  
 662 Committee Support Office for proper disposal within two (2) weeks of the dissolution.

663 105.17-2. *Dissolution of an Entity.* All other entities of the Nation shall be dissolved only by  
 664 motion of the Oneida General Tribal Council or the Oneida Business Committee.

665 105.17-3. *Notice of Dissolution.* Within five (5) business days of the Oneida General Tribal  
 666 Council or the Oneida Business Committee taking official action to dissolve an entity, the  
 667 Oneida Business Committee shall provide the entity written notice of the dissolution.

668 105.17-4. *Management of Records and Materials.* All chairpersons and secretaries of dissolved  
 669 entities shall be responsible for closing out open business of the entity and forwarding all  
 670 materials and records to the Business Committee Support Office for proper storage and disposal  
 671 within two (2) weeks of dissolution. The entity shall not alter or destroy any records. The  
 672 Business Committee Support Office may utilize the assistance of the Records Management  
 673 Department and/or any other appropriate department for the storage and disposal of the records  
 674 and materials.

675 (a) The entity may request the Oneida Business Committee to grant a one (1) week  
 676 extension of the time allowed to close out open business of the entity and forward all  
 677 materials and records to the Business Committee Support Office.

678

### 679 **105.18. Enforcement**

680 105.18-1. Any member of an entity found to be in violation of this law may be subject to:

681 (a) sanctions and penalties in accordance with any laws or policies of the Nation  
 682 governing sanctions and/or penalties;

683 (b) removal pursuant to any laws or policies of the Nation's governing removal, if the  
 684 individual is a member of an elected entity; or

685 (c) termination of appointment by the Oneida Business Committee, if the individual is a  
 686 member of an appointed entity.

687 *End.*~~688~~

690

691 Adopted - BC-08-02-95-A

692 Amended - BC-05-14-97-F

693 Emergency Amendments - BC-04-12-06-JJ

694 Amended - BC-09-27-06-E (permanent adoption of emergency amendments)

695 Amended - BC-09-22-10-C

696 Amended - BC-\_\_-\_\_-\_\_-\_\_

697

698



FINANCE ADMINISTRATION  
Fiscal Impact Statement



## MEMORANDUM

DATE: September 11, 2018

FROM: Rae Skenandore, Financial Management Analyst

TO: Lawrence Barton, Chief Financial Officer  
RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

RE: **Fiscal Impact of the Amendments to the Comprehensive Policy Governing Boards, Committees, and Commissions**

### I. Estimated Fiscal Impact Summary

<b>Law:</b> Boards, Committees, and Commissions Law		Draft 3
<b>Implementing Agency</b>	Business Committee Support Office Management Information Systems Legislative Reference Office	
<b>Estimated time to comply</b>	Approximately six months	
<b>Estimated Impact</b>	<b>Current Fiscal Year</b>	<b>Ten Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	Approximately \$ 58,200	Approximately \$582,000

### II. Background

#### Legislative History

This Law was adopted by the Oneida Business Committee by resolution BC-05-14-97- F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, BC-2-24-16-C. A public meeting was held on June 21, 2018.

#### Summary of Content

A summary of the amendments is as follows;

- Amend the name of this Law from "Comprehensive Policy Governing Boards, Committees, and Commissions" to "Boards, Committees, and Commissions Law;"
- Provide guidelines for the creation of a Board, Committee, or Commission;

- Update the information required to be included on an application and the process for submitting an application;
- Revise how vacancies on a Board, Committee, and Commission are handled, and allow for an individual to remain in office until the member's successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the entity;
- Update the appointment selection process to provide for more efficient and effective selections;
- Require that oaths of office be taken at Oneida Business Committee meeting and update the oath of office;
- Expand the information that Boards, Committees, and Commissions are required to include in their bylaws;
- Provide a process for electronic polling, if a Board, Committee, or Commission decides to use electronic polling;
- Expand the reporting requirements of Boards, Committees, and Commissions to include requirements regarding standard operating procedures, quarterly reports to the Oneida Business Committee, and annual and semi-annual reports to the General Tribal Council;
- Provide detailed information on what stipends or compensation is available for members of Boards, Committees, and Commissions, and state that Oneida Business Committee shall set specific stipend amounts by resolution;
- Address how confidential information is handled by Boards, Committees, and Commissions, including the addition of a requirement for Board, Committee, and Commission members to be provided an official Oneida e-mail address to conduct business of the Board, Committee, and Commission;
- Specify the information provided in the Law regarding conflicts of interest.
- This Law bans political appointees from serving on Boards, Committees and Commissions.
- Appointed members may be terminated by a 2/3 majority vote of the Business Committee. Terminations are final and cannot be appealed.
- Require that the dissolution of a Board, Committee, or Commission be noticed to the Board, Committee, or Commission and;

- Provide greater detail on how violations of this Law may be enforced. Entities that fail to comply with reporting requirements in this Law may have their stipends withheld until reports are submitted.

### **Boards, Committees, and Commissions**

There are currently 14 Boards, Committees, and Commissions that are subject to this Law. They include the following;

#### **Elected**

Oneida Election Board  
 Oneida Gaming Commission  
 Oneida Land Claims Commission  
 Oneida Land Commission  
 Oneida Nation Commission on Aging (ONCOA)  
 Oneida Nation School Board  
 Trust Enrollment Committee

#### **Appointed**

Anna John Resident Centered Care Community Board (AJRCC)  
 Environmental Resource Board (ERB)  
 Oneida Community Library Board  
 Oneida Nation Arts Board  
 Oneida Police Commission  
 Oneida Pow-Wow Committee  
 Oneida Nation Veterans Affairs Committee (ONVAC)  
 Pardon and Screening Forgiveness Committee  
 Personnel Selection Committee\*  
 Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)

\* The Personnel Commission (PC) was dissolved per BC resolution 04-11-18-A. GTC rescinded the dissolution of the Personnel Commission on August 27, 2018. The 2018 budget for the Personnel Commission was \$393,253. The Personnel Selection Committee has been funded from the PC budget since it was dissolved in April. As of July 2018, there was no budget submitted for this area. It is assumed that the reinstated Personnel Commission is subject to this Law and a budget needs to be developed for this area that includes the new stipend amounts.

### **Creation of New Entities**

The Law provides for the creation of a new Board, Committee or Commission by adoption of a Law or by the Oneida Business Committee (OBC) or General Tribal Council (GTC) resolution. However, the Legislative Procedures Act only requires the adoption of Laws to have a Fiscal Impact Statement.

### **E-Poll**

It is unclear how many Boards, Committees, or Commissions currently use e-polls. This has the potential to decrease the number of “emergency” meetings needed.

### Meetings & Stipends

The amount of stipends paid was removed from the Law and placed into a separate resolution. Therefore, the analysis needs to include the Law and the separate resolution. Below is a summary of relevant changes:

- To receive a stipend, members must be physically present for the entire meeting.
- Appointed entities only receive one (1) regular meeting stipend of \$75 per month. All appointed entities currently have either no stipend being paid or a payment of \$50.
- Elected entities only receive two (2) regular meeting stipends of \$100 per month. Current elected entities receive stipends ranging from \$50 - \$100.
- Special meetings was removed from the list of acceptable meetings that receive stipend compensation.
- Emergency Meetings require the Oneida Business Committee Secretary's office be noticed within 72 hours with justification for the emergency.
- Joint Oneida Business Committee Meetings was added to the list of acceptable meetings that receive compensation. Trust Enrollment Committee, Land Commission and Land Claims Commission all hold joint meetings with the Business Committee. However, it is not a requirement for all entities.
- Boards, Committees, and Commissions are now required to be present for quarterly reports at the Business Committee meetings. However, the Law and the stipend resolution are silent on compensation for this requirement.
- Judicial hearings are compensated at \$50.
- Hearing entities receive \$50 stipends as compensation.
- Miscellaneous Stipends are included for the Pow-wow Committee (\$25) per hour not to exceed two hundred dollars (\$200) per day, Election activities (\$10) per hour, and for the election Board members (\$100) for attendance at General Tribal Council meeting.
- A member of the Personnel Selection Committee shall receive a stipend of twenty-five dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-screens conducted by the Human Resource Department, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in interviews and/or job description pre-screens conducted by the Human Resource Department. It is assumed that this will also be applied to the reconstituted Personnel Commission.
- Stipend of one hundred dollars (\$100) per day will be paid for attendance at an approved conference or training.
- Stipend requests are currently sent directly to the Oneida Accounting Department. To enforce the Laws new requirements and restrictions, it is proposed that the Business Committee Support office take over administration and processing of

this function. It is unclear how this may impact the processing of stipend payments to the individuals.

#### **Other**

- The Law requires all entities to audio record their meetings. It is not known how many currently record their meetings or if additional equipment will be needed.
- It is a requirement for members to be provided an official Oneida e-mail.

### **III. Methodology and Assumptions**

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

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

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

### **III. Executive Summary of Findings**

Key items that have the potential for a fiscal impact:

- It would be a prudent fiscal practice to include a fiscal impact statement with the creation of new entities being adopted by resolution.
- E-Polls may decrease the number of “emergency” meetings needed.
- A review of the Annual and Semi-annual reports show that for the most part, the Boards Committees, and Commission are already averaging within the required number of meetings in the Law.
- The majority of the fiscal impact is due to the increase in the stipend amounts.
- Because of the variability in the number of hearings required for personnel related issues and hiring’s, this impact is indeterminate.
- It appears that the other miscellaneous stipends remain at status quo.
- The requirement for members to be provided an official Oneida Nation e-mail will have a minimal impact on the expenses of the Management Information Services.

- There are no other apparent startup, personnel, office, or documentation costs associated with this legislation.
- The timing of this legislation will impact the 2019 budget.

**III. Financial Impact**

Approximately \$ 58,200 fiscal impact primarily due to adjusting stipend amounts.

**IV. Recommendation**

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



Adopt resolution entitled **Oneida Business Committee Agenda Request** titled **Boards, Committees, and Commissions Law Stipends**

1. Meeting Date Requested: 9 / 26 / 18

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Resolutions

Accept as Information only

Action - please describe:

Consider the adoption of the resolution titled, "Boards, Committees, and Commissions Law Stipends"

3. Supporting Materials

Report  Resolution  Contract

Other:

1. Statement of Effect

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David P. Jordan, LOC Chairman

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



**BC Resolution # \_\_\_\_\_**  
**Boards, Committees, and Commissions Law Stipends**

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Boards, Committees, and Commissions law ("the Law") was adopted by the Oneida Business Committee through resolution BC-5-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and most recently BC-\_\_-\_\_-\_\_-\_\_\_. ; and

**WHEREAS,** the Law provides stipends paid by the Oneida Nation to a person serving on a board, committee, and commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for the boards, committee, or commission for the betterment of the Nation; and

**WHEREAS,** the Law requires the Oneida Business Committee to set stipend amounts by resolution; and

**WHEREAS,** the Oneida Business Committee shall periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this resolution; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee sets forth the following stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:

1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called meeting of the board, committee, or commission in accordance with the Law.
  - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called meeting of the board, committee, or commission for up to one (1) meeting per month.
    - i. Appointed boards, committees, and commissions of the Nation include the following:
      1. Anna John Resident Centered Care Community Board;
      2. Oneida Community Library Board;
      3. Environmental Resource Board;
      4. Oneida Nation Arts Board;
      5. Oneida Nation Veterans Affairs Committee;

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6. Personnel Selection Committee;
  7. Oneida Police Commission;
  8. Oneida Pow-wow Committee;
  9. Pardon and Forgiveness Screening Committee; and
  10. Southeastern Oneida Tribal Services Advisory Board.
- b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called meeting of the boards, committee, or commission for up to two (2) meetings per month.
- i. Elected boards, committees, and commissions of the Nation include the following:
    1. Oneida Nation Commission on Aging;
    2. Oneida Election Board;
    3. Oneida Land Claims Commission;
    4. Oneida Land Commission;
    5. Oneida Nation School Board;
    6. Oneida Trust Enrollment Committee; and
    7. Oneida Gaming Commission;
      - a. Although the Oneida Gaming Commission is an elected commission of the Nation, the Oneida Nation Gaming Ordinance provides that the compensation of Oneida Nation Gaming Commissioners is not subject to the Nation's Boards, Committees, and Commissions law.
2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called joint meeting between the board, committee, or commission and the Oneida Business Committee in accordance with the Law.
- a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called joint meeting.
  - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called joint meeting.
3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official hearing of the board, committee, or commission.
5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine any other stipends deemed appropriate.
- a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow, not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted funds.
  - b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of ten dollars (\$10) per hour for services he or she provides during an election including, but not limited to, managing the polling site, recounts, and lot drawings.
  - c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a stipend of one hundred dollars (\$100) for attendance and service provided at a General Tribal Council meeting of the Nation.

- 95                   d. *Interviews and Job Selection Pre-Screening.* A member of the Personnel Selection  
96                   Committee shall receive a stipend of twenty-five dollars (\$25) for up to four (4) hours of  
97                   participating in interviews and/or job description pre-screens conducted by the Human  
98                   Resource Department, and a stipend of fifty dollars (\$50) for more than four (4) hours of  
99                   participating in interviews and/or job description pre-screens conducted by the Human  
100                   Resource Department.
- 101                 6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall  
102                   receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training  
103                   that is required by law, bylaw, or resolution.

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105   **BE IT FINALLY RESOLVED**, that this resolution hereby adopted and shall be effective October 10, 2018.



Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## **Statement of Effect**

### *Boards, Committees, and Commissions Law Stipends*

#### **Summary**

This resolution sets forth specific stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation.

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

*Date: September 19, 2018*

#### **Analysis by the Legislative Reference Office**

The Boards, Committees, and Commissions law (“the Law”) was adopted by the Oneida Business Committee for the purpose of governing boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 *O.C. 105.1-1*].

Stipends are paid by the Oneida Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation. [1 *O.C. 105.3-1(n)*].

The Law requires that the Oneida Business Committee set stipend amounts by resolution. [1 *O.C. 105.13-2*]. Through this resolution the Oneida Business Committee sets forth the specific amounts for the various stipends a member of a board, committee, or commission may be eligible to receive.

#### **Conclusion**

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

Adopt resolution on Oneida Business Committee Agenda Request

1. Meeting Date Requested: 09 / 26 / 18

2. General Information:

Session: [X] Open [ ] Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Resolutions

[ ] Accept as Information only

[X] Action - please describe:

Request approval of resolution to formally acknowledge Oneida Nation as a breast-feeding friendly environment.

3. Supporting Materials

[ ] Report [X] Resolution [ ] Contract

[X] Other:

1. Statement of Effect 3. [Empty text box]

2. [Empty text box] 4. [Empty text box]

[X] Business Committee signature required

4. Budget Information

[ ] Budgeted - Tribal Contribution [ ] Budgeted - Grant Funded [X] Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Debbie Danforth, Division Director/Operations and Ravinder Vir, MD

Primary Requestor/Submitter: Michelle Myers Supervisor Nursing Community Health
Your Name, Title / Dept. or Tribal Member

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Historically, Native American people were taught about breast-feeding by the grandmothers and mothers in the community. Breast-feeding was considered a traditional practice that was passed onto the next generation. However, some of this valuable information has been removed through assimilation and historical trauma.

This resolution is a stepping stone toward regaining the traditional teachings of breastfeeding. It will promote breast-feeding as a normal practice in our community. The next step is to support breast-feeding in all Oneida Nation workplaces.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

Oneida Comprehensive Health Division  
Oneida Community Health Center  
Behavioral Health Services  
Anna John Resident Centered Care Community  
Employee Health Nursing



Date: Sept 5, 2018

To: Debra Danforth, Oneida Comprehensive Health Division Operations Director  
Dr Ravi Vir, Oneida Comprehensive Health Division Medical Director

*Concur*  
*9-5-18*  
*RJ*  
*9/7/2018*

Thru: Eric Krawczyk, Community/ Public Health Officer

From: Michelle Myers, Community Health Nursing Supervisor

RE: Support for development of Oneida Nation Breastfeeding Resolution

For the past year, our two Community Health Workers from our Healthy Start program have participated on a Healthy Wisconsin Leadership Institute (HWLI) project. HWLI is a voluntary leadership opportunity that assists groups working collaboratively to successfully achieve their goals. Coordinated through Great Lakes Inter Tribal Council (GLITC), representatives from five Wisconsin Tribes worked together to support breastfeeding in their communities. Some of the goals of the project. 1- Develop a toolkit to assist communities to develop breastfeeding support policy. 2- Sustainability for the newly formed Native Breastfeeding Coalition of Wisconsin. Thanks to completed activities of the project, we have a PowerPoint presentation and a digital story about an Oneida mother and her breastfeeding journey to support. We hope to use these tools to present a breastfeeding resolution in the Oneida Community.

We are seeking your support presenting the Oneida Business Committee with a Breastfeeding Resolution in effort to formalize community support for breastfeeding women in the Oneida Community.

Thank you for your consideration.

Michelle Myers BSN, RN

Mailing Address: P.O. Box 365, Oneida, WI 54155  
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center  
Behavioral Health Services  
Anna John Resident Centered Care Community  
Employee Health Nursing

525 Airport Rd., Oneida, WI 54155  
2640 West Point Rd., Green Bay, WI 54304  
2901 S. Overland Rd., Oneida, WI 54155  
701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711  
Phone: (920) 490-3790 or 1-888-490-2457  
Phone: (920) 869-2797  
Phone: (920) 405-4492

Fax: (920) 869-1780  
Fax: (920) 490-3883  
Fax: (920) 869-3238  
Fax: (920) 405-4494

# ONEIDA LAW OFFICE

*CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: Michelle Myers  
Health Center

*Use this number on future correspondence:*

*RJC*

**2018-0669**

*RJC*

FROM: Robert J. Collins II, Staff Attorney

DATE: June 6, 2018

RE: Public Breastfeeding Support & Protection

*Purchasing Department Use*

**Contract Approved**

**Contract Not Approved**

*(see attached explanation)*

*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
  - Updated version attached.
  - Once you have the Statement of Effect from the Legislative Reference Office, you may submit the Resolution to be placed on the Oneida Business Committee regular meeting agenda.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Oneida Nation's Support of Public Breastfeeding

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Nation is actively committed to promoting the health, quality of life, and well-being of Tribal members; and

**WHEREAS,** the Oneida Nation recognizes that breastfeeding is a normal and traditional part of daily life for mothers and infants; and

**WHEREAS,** supporting and promoting breastfeeding through offering a breastfeeding-friendly environment contributes to the optimal development of young children and to the health and well-being of Oneida women, children, and families.

**NOW THEREFORE BE IT RESOLVED,** that Oneida Nation welcomes and protects the act of breastfeeding within the boundaries of the Oneida Reservation in any public or private location where the mother and child are otherwise authorized to be present, irrespective of whether or not the mother's breast is covered during or incidental to the breastfeeding. In such a location, no person may prohibit a mother from breastfeeding her child, direct a mother to move to a different location to breastfeed her child, direct a mother to cover her child or breast while breastfeeding, or otherwise restrict a mother from breastfeeding her child.



Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



**Statement of Effect**  
*Oneida Nation's Support of Public Breastfeeding*

**Summary**

The resolution supports and protects the act of breastfeeding within the boundaries of the Oneida Nation Reservation.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*  
*Date: June 7, 2018*

**Analysis by the Legislative Reference Office**

The Oneida Nation recognizes the normal and traditional role breastfeeding plays in the daily life of mothers and infants. In a commitment to promoting the health, quality of life, and well-being of members of the Nation, the Oneida Nation supports and promotes breastfeeding by offering a breastfeeding-friendly environment in order to contribute to the optimal development of young children and to the health and well-being of Oneida women, children, and families.

This resolution proclaims the Oneida Nation's support and protection of the act of breastfeeding within the boundaries of the Oneida Nation Reservation in any public or private location where the mother and child are otherwise authorized to be present. The protection of the right to breastfeed within the boundaries of the Oneida Nation Reservation is irrespective of whether or not the mother's breast is covered during or incidental to the breastfeeding.

No person may prohibit a mother from breastfeeding her child, direct a mother to move to a different location to breastfeed her child, direct a mother to cover her child or breast while breastfeeding, or otherwise restrict a mother from breastfeeding her child.

**Conclusion**

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

### Oneida Business Committee Agenda Request

Determine next steps regarding proposed resolution entitled Action by Oneida Nation as Owner of Cor

1. Meeting Date Requested: \_\_\_ / \_\_\_ / \_\_\_

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to forward resolution for a Statement of Effect  
  
OR  
  
Motion to forward resolution to the Legislative Operating Committee to review and finalize.

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: \_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

See attached report.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

Jo Anne House, PhD | Chief Counsel  
James R. Bittorf | Deputy Chief Counsel

Patricia M. Stevens Garvey  
Kelly M. McAndrews  
Michelle L. Gordon  
Krystal L. John

Law Office



**MEMORANDUM**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** September 19, 2018  
**SUBJECT:** Proposed Resolution – Action by Oneida Nation as Owner of Corporate Shares

---

The Oneida Business Committee has acted on behalf of the Oneida Nation as owner of corporate shares for many decades. However, there has never been a clear identification of how that action is taken and/or authorized.

To address this question, I have developed the attached resolution. The resolution identifies three ways the Oneida Nation is represented in shareholder meetings or regarding shareholder actions.

1. Liaison carrying out proxy decisions of the Oneida Business Committee.
2. Specific Oneida Business Committee members authorized to vote their own opinions in consensus with all other specified Oneida Business Committee members.
3. Any member of the Oneida Business Committee appearing and voting by consensus with all other Oneida Business Committee members appearing.

In addition, the resolution clarifies that the Nation is the owner of the shares and the Oneida Business Committee is acting as the representative of the Nation.

This resolution can be an interim measure as the Legislative Operating Committee develops a complete corporation/business law or determines to address this issue in a different manner. This is like other clarifying resolutions; such as that regarding liaison responsibilities, or the definition of day-to-day.

I would request the resolution be placed on a work session agenda or forwarded to the Legislative Operating Committee for a Statement of Effect.

If you have further questions, please contact me.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### Action by Oneida Nation as Owner of Corporate Shares

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee has created corporate entities under its constitutional authority, authorized corporate entities to be created under state laws, and has purchased interests in business entities through the purchase of shares for financial investment purposes; and
- WHEREAS,** action as a shareholder in corporations purchased for financial investment purposes is generally managed through the Finance Office or the Trust Enrollment Committee as the fiduciary trustee of the Oneida Nation or the owner of the invested funds, for example, elder per capita funds; and
- WHEREAS,** action as a shareholder in corporations created by the Oneida Business Committee or authorized to be created under state law is generally conducted by the Oneida Business Committee on behalf of the Oneida Nation, the shareholder in the corporation; and
- WHEREAS,** historically that action has been through approval of proxies at Oneida Business Committee meetings presented at shareholder meetings, or by the presence of Oneida Business Committee members at a shareholder meeting without clarification of whether this required a quorum of the Oneida Business Committee; and
- WHEREAS,** corporate entities created by the Oneida Business Committee or authorized to be created under state laws require a consistent understanding of who represents the owner of the shares, the Oneida Nation, and how action can be taken; and
- WHEREAS,** the Oneida Business Committee has determined that it is inappropriate to include direction regarding how the shareholder, Oneida Nation, is represented in every corporate creation document as that action may lead to inconsistency and confusion between corporations and over time; and
- WHEREAS,** the Oneida Business Committee has determined that a shareholder meeting is not a meeting of the Oneida Business Committee and is governed by the corporate documents (whether charters, by-laws, articles of incorporation, other types of documents) and as such the authority of the Oneida Business Committee should be clearly identified for purposes of authorizing actions of the corporate entity; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Nation is the shareholder in corporate entities created by the Oneida Business Committee through its delegated constitutional authority or a corporate

entity authorized by the Oneida Business Committee to be created under state laws and the Oneida Business Committee acts on behalf of the Oneida Nation with respect to the Oneida Nation's rights and responsibilities as a shareholder in such corporate entities.

**BE IT FURTHER RESOLVED**, the Oneida Business Committee, meeting at a corporate shareholder meeting, is not meeting as the Oneida Business Committee and the meeting shall be governed by the rules of the corporate entity.

**BE IT FURTHER RESOLVED**, the Oneida Business Committee shall identify, by motion of the Oneida Business Committee at a regular, special or emergency meeting, or by e-poll, one of the following three methods of appearing and acting on behalf of the Oneida Nation, the shareholder.

1. Appointment of a liaison(s) acting according to specific written proxy authority.
2. Identification of three or more Oneida Business Committee members who shall act independently, according to their knowledge, skills and abilities on behalf of the Oneida Nation and the majority vote of the Oneida Business Committee members present shall govern the vote(s) cast on behalf of the shareholder.
3. Identification that the Oneida Business Committee members appearing shall act by consensus in determining how the vote(s) will be cast on behalf of the shareholder.

**BE IT FINALLY RESOLVED**, the Business Committee Support Office (BCSO) shall receive all notices of shareholder meetings of a corporate entity governed by the resolution and shall place the notice on an agenda of the Oneida Business Committee in a timely manner. Upon action by the Oneida Business Committee choosing one of the three methods of casting shareholder vote(s), the BCSO shall draft correspondence to the corporate entity which identifies the motion and voting methodology chosen by the Oneida Business Committee.

Adopt resolution entitled Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in Accordance with General Tribal Council's August 27, 2018 Directive  
**Oneida Business Committee Agenda Request**

1. Meeting Date Requested: 9 / 26 / 18

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Resolutions

Accept as Information only

Action - please describe:

Consider adoption of the resolution titled, "Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in Accordance with General Tribal Council's August 27, 2018 Directive"

3. Supporting Materials

Report  Resolution  Contract

Other:

1. Statement of effect

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David P. Jordan, LOC Chairman

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

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**BC Resolution # \_\_\_\_\_**  
**Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency**  
**Amendments in Accordance with General Tribal Council’s August 27, 2018**  
**Directive**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Personnel Selection Committee was created by the General Tribal Council to monitor the hiring process to protect against issues of nepotism, and to enforce Oneida and Indian preference; and
- WHEREAS,** in an effort to provide for a tribal employment system that is operated in an orderly and fair manner, the Oneida Business Committee re-designated the Personnel Selection Committee as the Oneida Personnel Commission through resolution BC-04-13-90-A; and
- WHEREAS,** resolution BC-04-13-90-A delegated the Oneida Personnel Commission the responsibility to generate personnel policies to be presented and recommended to the Oneida Business Committee for the Oneida Business Committee to review, take formal action to approve, disapprove, change and/or amend said personnel policy recommendations; and
- WHEREAS,** through resolution BC-05-12-93-J, the Oneida Business Committee, in conjunction with the Nation’s Human Resources Department and the Oneida Personnel Commission, revised the Nation’s Personnel Policies and Procedures to allow the Oneida Personnel Commission to serve as a grievance hearing body for employment matters; and
- WHEREAS,** the Oneida Personnel Commission then served the Oneida Nation as a hearing body for employee grievances, with appeals of those hearings authorized to be made to the Oneida Appeals Commission after its creation in 1991 by the General Tribal Council; and
- WHEREAS,** the Oneida Business Committee, through resolution BC-03-06-01-B, temporarily rescinded authority delegated to the Oneida Personnel Commission contained within the Oneida Personnel Policies and Procedures as it pertained to the role of the Oneida Personnel Commission as representatives of the community at large, the commissioners’ responsibility to serve on the Screening Committee, the Interview Committee, the Personnel Screening Committee, and as the Grievance Hearing Body; and
- WHEREAS,** resolution BC-03-06-01-B required that the hiring process of the Nation continue without interruption under the auspices of the Human Resources Department, and that the Oneida Appeal Commission be delegated the first level hearing body for employment related actions as referenced in the Oneida Personnel Policies and Procedures; and



BC Resolution \_\_\_\_\_

Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in Accordance  
with General Tribal Council's August 27, 2018 Directive  
Page 2 of 9

- 53 **WHEREAS,** although the Oneida Personnel Commission served the Nation as a hearing body for  
54 employee grievances since the early 1990s, except for the period when the Oneida  
55 Personnel Commissions' authority was temporarily rescinded, the Nation has been  
56 moving towards consolidating all hearing responsibilities to the Oneida Nation Judiciary;  
57 and  
58
- 59 **WHEREAS,** the Oneida General Tribal Council adopted the Judiciary law as the next step in  
60 formalizing the hearing authority of the Oneida Nation in an independent judicial body;  
61 and  
62
- 63 **WHEREAS,** the membership approved amendments to the Constitution which adopted Article V,  
64 Judiciary, which established "a judiciary to exercise the judicial authority of the Oneida  
65 Nation"; and  
66
- 67 **WHEREAS,** the Oneida General Tribal Council adopted resolution GTC-03-19-17-A which designated  
68 the Oneida Judiciary as the judiciary authorized pursuant to Article V of the Constitution;  
69 and  
70
- 71 **WHEREAS,** the Oneida Business Committee has presented reports, and the General Tribal Council  
72 has accepted such reports, regarding the consolidation of administrative hearing and  
73 judicial hearing responsibilities in the Judiciary for the purpose of increasing consistency  
74 in hearing processes, efficiency, and reducing overall costs to the Nation; and  
75
- 76 **WHEREAS,** the Oneida Business Committee notified the Judiciary of its intention to consolidate all  
77 judicial functions and the Judiciary identified that it is prepared to accept such  
78 responsibilities; and  
79
- 80 **WHEREAS,** the Oneida Business Committee has adopted amendments to laws that transferred the  
81 hearing authority of the Environmental Resources Board and the Land Commission to the  
82 Judiciary; and  
83
- 84 **WHEREAS,** the Oneida Business Committee determined it was appropriate to begin consolidating  
85 employment related grievance hearings into the Judiciary as the number of current cases  
86 in the Oneida Personnel Commission was low and the costs of maintaining judicial  
87 hearing authorities continues to increase; and  
88
- 89 **WHEREAS,** the Oneida Business Committee dissolved the Oneida Personnel Commission on April  
90 11, 2018, through resolution BC-04-11-18-A in an effort to consolidate employment  
91 related grievance hearings into the Judiciary; and  
92
- 93 **WHEREAS,** resolution BC-04-11-18-A required the Legislative Operating Committee to develop and  
94 present emergency legislative amendments to fully address the impact of this resolution  
95 by the April 25, 2018, Oneida Business Committee meeting for consideration of adoption;  
96 and  
97
- 98 **WHEREAS,** resolution BC-04-11-18-A required that all personnel matters pending, scheduled, and for  
99 which timelines were running were hereby tolled until the emergency amendments could  
100 be brought forward by the Legislative Operating Committee regarding laws impacted by  
101 the dissolution of the Oneida Personnel Commission, with the tolling of time interpreted  
102 and applied in the best interests of the employee; and  
103
- 104 **WHEREAS,** although the Oneida Personnel Commission was dissolved, the Oneida Business  
105 Committee recognized the valuable service the Personnel Selection Committee provided  
106 in its original form before being expanded to include hearing authority; and  
107

- 108     **WHEREAS,**     the Oneida Business Committee determined that the valuable service the Personnel  
109                     Selection Committee provided remained necessary in the hiring process, and therefore  
110                     recreating the Personnel Selection Committee was in the best interest of the Oneida  
111                     Nation; and  
112
- 113     **WHEREAS,**     the Oneida Business Committee recreated the Personnel Selection Committee on April  
114                     11, 2018, through resolution BC-04-11-18-B; and  
115
- 116     **WHEREAS,**     resolution BC-04-11-18-B provided that bylaws for the Personnel Selection Committee be  
117                     placed on the May 23, 2018 Oneida Business Committee meeting agenda, and that the  
118                     Human Resources Department consider not scheduling screening or interviews until the  
119                     Personnel Selection Committee is created and members are appointed, provided that,  
120                     the Human Resources Department may schedule screening and interviewing where it  
121                     would be unreasonable to delay or further delay that action; and  
122
- 123     **WHEREAS,**     the Oneida Business Committee approved the Personnel Selection Committee bylaws on  
124                     May 23, 2018; and  
125
- 126     **WHEREAS,**     the Oneida Business Committee adopted emergency amendments to the Military Service  
127                     Employee Protection Policy, the Oneida Personnel Policies and Procedures, the Oneida  
128                     Judiciary Rules of Civil Procedures, and the Employee Protection Policy on April 25,  
129                     2018, through resolutions BC-04-25-18-D, BC-04-25-18-E, BC-04-25-18-F, and BC-04-  
130                     25-18-G; and  
131
- 132     **WHEREAS,**     the emergency amendments to the above mentioned laws replaced any reference to the  
133                     Oneida Personnel Commission which referred to actions affecting employees involving  
134                     adverse employment actions for which a hearing is authorized with a reference to the  
135                     Judiciary – Trial Court, thereby transferring the hearing authority to the Judiciary – Trial  
136                     Court; and  
137
- 138     **WHEREAS,**     the emergency amendments to the above mentioned laws replaced any reference to the  
139                     Oneida Personnel Commission which referred to actions involving hiring, including  
140                     screening and interviews, with a reference to the Personnel Selection Committee; and  
141
- 142     **WHEREAS,**     the Oneida Business Committee determined emergency adoption of the amendments to  
143                     the Military Service Employee Protection Policy, the Oneida Personnel Policies and  
144                     Procedures, the Oneida Judiciary Rules of Civil Procedures, and the Employee  
145                     Protection Policy were necessary for the preservation of the public health, safety, or  
146                     general welfare of the reservation population as required by the Legislative Procedures  
147                     Act in order to ensure that the general welfare and due process rights of employees of  
148                     the Nation were preserved in absence of the Oneida Personnel Commission; and  
149
- 150     **WHEREAS,**     the Oneida Business Committee adopted a plan for the process of transitioning cases  
151                     from the Oneida Personnel Commission to the Judiciary – Trial Court through resolution  
152                     BC-04-25-18-H;  
153
- 154     **WHEREAS,**     resolution BC-04-25-18-H required that the Judiciary Trial Court utilize prior decisions of  
155                     the Oneida Personnel Commission as precedent in its hearing and decision-making  
156                     process, and that hearing procedures shall follow those set forth in the Oneida Judiciary  
157                     Rules of Civil Procedure, provided that, in circumstances where the Oneida Personnel  
158                     Policies and Procedures conflict with the Oneida Judiciary Rules of Civil Procedure, the  
159                     deadlines in the Oneida Personnel Policies and Procedures shall govern; and  
160
- 161     **WHEREAS,**     resolution BC-04-25-18-H set forth a process to be used to transfer matters to the  
162                     Judiciary from the Oneida Personnel Commission including:

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1. All active cases for which at least one hearing had been held was transferred to the Judiciary Trial Court effective immediately.
    - a. The employee had, by close of business on May 11, 2018, to file a notice with the Judiciary Trial Court stating either they wish to maintain the current hearing body or have their case assigned to a judicial officer of the Trial Court and the Trial Court shall begin the hearing from the beginning, or at the request of the employee, continue the existing hearing with the judicial officer replacing the hearing body.
    - b. In all circumstances, the Judiciary was required to receive active case files and hearing records for active cases and begin management of the case.
  2. All cases which had been accepted, but no hearing had yet been conducted or no hearing officers selected, had been transferred to the Judiciary Trial Court and a judicial officer of the Trial Court was assigned.
  3. All cases which had been concluded and for which no appeal time remains, were transferred to the Records Management Department which worked with the Judiciary to assist in managing those records.
  4. All matters filed, but for which no determination has been made regarding acceptance was immediately forwarded to the Judiciary Trial Court.
  5. The Oneida Personnel Commission administration was required to deliver a complete record of all decisions of the Oneida Personnel Commission to the Judiciary and a copy to Records Management Department; and

185 **WHEREAS,** on May 14, 2018, the Petition: G. Powless – Oneida Personnel Commission Dissolution  
186 was submitted to the Business Committee Support Office by Gina Powless and was  
187 verified by the Trust Enrollment Department; and  
188

189 **WHEREAS,** the petition requested General Tribal Council “to address the actions of the Oneida  
190 Business Committee’s (OBC) Dissolving the Oneida Personnel Commission (OPC) by  
191 BC Resolution #04-11-18-A, BC Resolution #04-11-18-B. The OBC has intentionally  
192 violated their authority, they do not have the right to make a decision to dissolve the OPC  
193 which was created and approved by General Tribal Council (GTC). The only body that  
194 can dissolve the OPC is GTC. The OBC has abused their power and directly violated the  
195 Oneida Constitution, their Oath of Office, Oneida’s Code of Ethics, the Oneida Blue Book,  
196 to name a few. The OBC has deliberately undermined the authority of GTC. The OBC  
197 has cited in their BC resolutions that there is an emergency, yet have not cited any real  
198 emergency. The GTC hereby rescinds the action of the OBC, by rescinding BC  
199 Resolutions: 04-11-18-A, 04-11-18-B, 04-25-18-D, 04-25-18-E, 04-25-18-E, 04-25-18-F,  
200 04-25-18-G, 04-25-18-H, placing the OPC back into the grievance and hiring practice, per  
201 the Oneida Blue Book, until GTC determines otherwise. Further, GTC takes corrective  
202 measures pertaining to the OBC, by suspending the OBC Members without pay that  
203 approved the mentioned Resolutions for a period of 90 days”; and  
204

205 **WHEREAS,** the Oneida Business Committee accepted the verified Petition: G. Powless – Oneida  
206 Personnel Commission Dissolution on May 23, 2018, and directed that the petition be  
207 sent to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal,  
208 financial, legislative, and administrative analyses to be completed, and that a General  
209 Tribal Council Meeting be scheduled for this matter on August 27, 2018; and  
210

211 **WHEREAS,** the Petition: G. Powless – Oneida Personnel Commission Dissolution was presented to  
212 the General Tribal Council on August 27, 2018; and  
213

214 **WHEREAS,** the General Tribal Council adopted a motion to “rescind the actions of the Oneida  
215 Business Committee related to the dissolution of the Oneida Personnel Commission, and  
216 to rescind the amendments related to the Blue Book from April 11, 2018 to today”; and  
217

218 **WHEREAS,** the Oneida Business Committee held an emergency Oneida Business Committee  
219 Meeting on August 29, 2018, for the purpose of identifying the next steps to implement  
220 the August 27, 2018, GTC motion in an effort to implement the directives in a clear and  
221 timely transition protecting employee's due process; and  
222

223 **WHEREAS,** at the August 29, 2018, emergency Oneida Business Committee meeting the Oneida  
224 Business Committee adopted the transition steps outlined to implement the August 27,  
225 2018, General Tribal Council action with two (2) noted additions: 1) under the "Judiciary"  
226 section, include a task for communication regarding the Indirect Contempt Order; and 2)  
227 under the "Business Committee" section, include a task to address the concerns  
228 regarding training; and  
229

230 **WHEREAS,** the transition steps provided direction to the Legislative Operating Committee and the  
231 Legislative Reference Office, the Judiciary, the Treasurer and Finance Office, and the  
232 Oneida Business Committee on how to proceed with implementing General Tribal  
233 Council's directive; and  
234

235 **WHEREAS,** in recognition of the rescission of the dissolution of the Oneida Personnel Commission,  
236 on September 12, 2018, the Oneida Business Committee adopted a motion to terminate  
237 the appointments of the remaining members of the Oneida Personnel Commission: Carol  
238 Smith, Erik Krawczyk, Gary Smith, Gerald Decorah, Jason Martinez, Jennifer Hill, Patricia  
239 Powless, Pearl Webster, Sharon Alvarez, Stacey M. Nieto, Tina M Moore, and Yvonne  
240 Jourdan; and  
241

242 **WHEREAS,** the Oneida Business Committee terminated the appointment of all Oneida Personnel  
243 Commission members under the authority granted by the Comprehensive Policy  
244 Governing Boards, Committees, and Commissions, and based the decision to terminate  
245 the appointments on the documentation submitted by members of the Oneida Personnel  
246 Commission, the decisions of the Judiciary, and the Oneida Business Committee's  
247 findings before and after the dissolution of the Oneida Personnel Commission; and  
248

249 **WHEREAS,** on September 12, 2018, the Oneida Business Committee adopted a motion which  
250 directed the Legislative Operating Committee to present the bylaws for the Oneida  
251 Personnel Commission at the next regular Oneida Business Committee meeting with  
252 updated qualifications to address the issue of understanding hearing authorities and  
253 responsibilities; and  
254

255 **WHEREAS,** the Oneida Business Committee adopted a further motion to defer posting the vacancies  
256 for the Oneida Personnel Commission until the updated bylaws are presented and  
257 approved by the Oneida Business Committee.  
258

259 *Recognition of General Tribal Council's August 27, 2018 Directive*  
260

261 **NOW THEREFORE BE IT RESOLVED,** that this resolution formally recognizes for the record General  
262 Tribal Council's directive to rescind the actions of the Oneida Business Committee related to the  
263 dissolution of the Oneida Personnel Commission, and to rescind the related emergency amendments.  
264

265 *Rescission of the Dissolution of the Oneida Personnel Commission*  
266

267 **NOW THEREFORE BE IT FURTHER RESOLVED,** to recognize General Tribal Council's directive to  
268 rescind the dissolution of the Oneida Personnel Commission, resolution BC-04-11-18-A, which dissolved  
269 the Oneida Personnel Commission, is hereby formally repealed and the Oneida Personnel Commission is  
270 formally reinstated.  
271

272 **NOW THEREFORE BE IT FURTHER RESOLVED**, that resolution BC-04-25-18-H, which sets forth a  
273 process to be used to transfer matters to the Judiciary from the Oneida Personnel Commission, is hereby  
274 repealed.  
275

276 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Oneida Business Committee requests the Human  
277 Resources Department consider not scheduling screening or interviews until a minimum number of  
278 members of the Oneida Personnel Commission can be appointed and sworn into office. Provided that,  
279 the Human Resources Department may schedule screening and interviewing where it would be  
280 unreasonable to delay or further delay that action and shall ensure that employment laws of the Oneida  
281 Nation are enforced in the selection process.  
282

283 **NOW THEREFORE BE IT FURTHER RESOLVED**, once a minimum number of members of the Oneida  
284 Personnel Commission are appointed and sworn into office, the Human Resources Department shall  
285 provide administrative assistance to the Oneida Personnel Commission in regard to the hiring and  
286 selection of employees, which shall include, but is not limited to, scheduling pre-screens and interviews,  
287 and coordinating Oneida Personnel Commission members to conduct hiring and selection activities.  
288

289 **NOW THEREFORE BE IT FURTHER RESOLVED**, in recognition of the time necessary to appoint  
290 members to the Oneida Personnel Commission and allow members to obtain the necessary required  
291 training, the Judiciary – Trial Court shall continue to hear employee grievance matters until the Oneida  
292 Personnel Commission is prepared to begin exercising hearing authority.  
293

294 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Judiciary – Trial Court shall develop and provide  
295 training and/or ensure training is provided to members of the Oneida Personnel Commission on hearing  
296 processes and procedures.  
297

298 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Oneida Personnel Commission shall be prepared  
299 to exercise hearing authority over employee grievance matters when the Oneida Personnel Commission  
300 informs the Oneida Business Committee that the minimum number of Oneida Personnel Commission  
301 members have been appointed and have obtained all required trainings.  
302

303 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Nation's Human Resources Department shall  
304 draft an interpretation of Section V.D. of the Oneida Personnel Policies and Procedures which clarifies  
305 that in regard to employee grievance matters the term "Oneida Personnel Commission" shall be  
306 interpreted to mean the "Judiciary – Trial Court" until such time that the Oneida Personnel Commission  
307 informs the Oneida Business Committee that they are prepared to begin exercising hearing authority.  
308

309 **NOW THEREFORE BE IT FURTHER RESOLVED**, once the Oneida Personnel Commission informs the  
310 Oneida Business Committee that they are prepared to begin exercising hearing authority, the following  
311 transition process shall be used to transfer matters from the Judiciary – Trial Court back to the Oneida  
312 Personnel Commission including:

- 313 1. All active cases for which at least one hearing has been held are transferred to the Oneida  
314 Personnel Commission effective immediately.
  - 315 a. The employee shall have ten (10) business days to file a notice with the Judiciary - Trial  
316 Court stating either they wish to maintain his or her case at the Judiciary - Trial Court or  
317 have their case assigned to the Oneida Personnel Commission and the Oneida  
318 Personnel Commission shall begin the hearing from the beginning, or at the request of  
319 the employee, continue the existing hearing with the Oneida Personnel Commission  
320 replacing the Judiciary - Trial Court.
  - 321 b. In all circumstances, the Oneida Personnel Commission shall receive active case files  
322 and hearing records for active cases and begin management of the case.
- 323 2. All cases which have been accepted, but no hearing has yet been conducted, shall be transferred  
324 to the Oneida Personnel Commission.



- 325 3. All cases which have been concluded and for which no appeal time remains, shall be transferred  
326 to the Records Management Department which will work with the Oneida Personnel Commission  
327 to assist in managing those records.  
328 4. All matters filed, but for which no determination has been made regarding acceptance shall be  
329 immediately forwarded to the Oneida Personnel Commission.  
330 5. The Judiciary's administration shall deliver a complete record of all decisions of the Judiciary –  
331 Trial Court to the Oneida Personnel Commission and a copy to Records Management  
332 Department.  
333

334 **NOW THEREFORE BE IT FURTHER RESOLVED**, once the Oneida Personnel Commission begins  
335 exercising hearing authority, the Judiciary – Trial Court shall provide administrative support to the Oneida  
336 Personnel Commission in regard to employee grievance hearings, including, but not limited to, accepting  
337 filings, scheduling hearings, coordinating Oneida Personnel Commission members to serve as the  
338 hearing body, and providing a hearing room.  
339

340 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Oneida Personnel Commission shall use the  
341 following employment grievance process in conjunction with the Oneida Personnel Policies and  
342 Procedures:

- 343 1. *Filing of a Complaint.*  
344 a. Employee shall fill out a complaint for Personnel/Employment Action form and shall file  
345 the complaint with Judiciary – Trial Court on the behalf of the Oneida Personnel  
346 Commission.  
347 b. Judiciary – Trial Court Clerk shall review complaint form for completion.  
348 c. Judiciary – Trial Court Clerk shall send the Notice of Filing notification to the Human  
349 Resources Department, Equal Employment Opportunity Department, Immediate  
350 Supervisor, and Area Manager.  
351 2. *Collection of Information.*  
352 a. The Human Resources Department shall send all information the Area Manager used in  
353 making the decision to the Judiciary – Trial Court Clerk.  
354 b. The Immediate Supervisor/Area Manager shall immediately notify the Employee  
355 Advocacy Department.  
356 3. *Review of the Complaint.*  
357 a. The Judiciary – Trial Court Clerk shall provide the information obtained to the Oneida  
358 Personnel Commission members selected to serve as the hearing body for the complaint,  
359 and the Oneida Personnel Commissioners shall review all the information submitted by  
360 the Petitioner and the Human Resources Department to determine if one or both  
361 conditions exist:  
362 i. The decision of the Area Manager is clearly against the weight of the evidence;  
363 and/or  
364 ii. Procedural irregularities were exhibited during the appeal process that were  
365 harmful to one of the parties to the grievance.  
366 b. If Oneida Personnel Commission members selected to serve as the hearing body for the  
367 complaint finds one or both conditions exist, the Judiciary – Trial Clerk shall schedule a  
368 hearing and send notice to the parties.  
369 c. If the Oneida Personnel Commission members finds that neither conditions exist, the  
370 Oneida Personnel Commission will issue a decision without a hearing.  
371 4. *Hearing Procedure.*  
372 a. If hearing is scheduled, The Judiciary – Trial Court Clerk shall send the hearing notice no  
373 later than five (5) business days prior to the hearing to all parties.  
374 b. The order of presentation for the hearing shall be:  
375 i. Plaintiff's opening statement;  
376 ii. Defendant's opening statement;  
377 iii. The Plaintiff's case;  
378 iv. The Defendant's case;  
379 v. Plaintiff's closing statement



- 380 vi. Defendant's closing statement  
381 c. If new evidence which was previously unavailable is introduced at any point during the  
382 hearing process, the Oneida Personnel Commission hearing shall be suspended, and the  
383 case will be remanded to the Area Manager for reconsideration.  
384 d. The Area Manager shall reconsider the decision in light of the new evidence and issue a  
385 decision within (3) working days. If the decision is overturned, the case would not come  
386 back for a hearing. If decision is affirmed, then the case will come back to the Oneida  
387 Personnel Commission to complete the hearing. This will only happen one time.  
388

389 *Dissolution of the Personnel Selection Committee*

390  
391 **NOW THEREFORE BE IT FURTHER RESOLVED**, that resolution BC-04-11-18-B, which created the  
392 Personnel Selection Committee, is hereby repealed and the Personnel Selection Committee is hereby  
393 dissolved effective immediately.

394  
395 **NOW THEREFORE BE IT FURTHER RESOLVED**, within five (5) business days of the adoption of this  
396 resolution the Oneida Business Committee shall provide the Personnel Selection Committee written  
397 notice of this dissolution.

398  
399 **NOW THEREFORE BE IT FURTHER RESOLVED**, that the Personnel Selection Committee shall have  
400 up to two (2) weeks from the date of the dissolution to close out any open business and forward all  
401 materials and records to the Business Committee Support Office for proper storage and disposal.

402  
403 *Rescission of the Emergency Amendments*

404  
405 **NOW THEREFORE BE IT FURTHER RESOLVED**, in recognition of General Tribal Council's directive to  
406 rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission,  
407 resolution BC-04-25-18-D, which adopted emergency amendments to the Military Service Employee  
408 Protection Policy, is hereby repealed.

409  
410 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Military Service Employee Protection Policy  
411 adopted prior to the emergency amendments, through resolution BC-10-24-07-E, is hereby reinstated and  
412 effective immediately.

413  
414 **NOW THEREFORE BE IT FURTHER RESOLVED**, in recognition of General Tribal Council's directive to  
415 rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission,  
416 resolution BC-04-25-18-E, which adopted emergency amendments to the Oneida Personnel Policies and  
417 Procedures, is hereby repealed.

418  
419 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Oneida Personnel Policies and Procedures  
420 adopted prior to the emergency amendments, is hereby reinstated and effective immediately.

421  
422 **NOW THEREFORE BE IT FURTHER RESOLVED**, in recognition of General Tribal Council's directive to  
423 rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission,  
424 resolution BC-04-25-18-F, which adopted emergency amendments to the Oneida Judiciary Rules of Civil  
425 Procedure, is hereby repealed.

426  
427 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Oneida Judiciary Rules of Civil Procedure  
428 adopted prior to the emergency amendments, through resolution BC-04-24-14-A, is hereby reinstated and  
429 effective immediately.

430  
431 **NOW THEREFORE BE IT FURTHER RESOLVED**, in recognition of General Tribal Council's directive to  
432 rescind the emergency amendments related to the dissolution of the Oneida Personnel Commission,  
433 resolution BC-04-25-18-G, which adopted emergency amendments to the Employee Protection Policy, is  
434 hereby repealed.

435  
436 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Employee Protection Policy adopted prior to the  
437 emergency amendments, through resolution BC-02-25-15-C, is hereby reinstated and effective  
438 immediately.  
439

440 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Legislative Reference Office shall update the  
441 Oneida Register to reflect the proper versions of the Military Service Employee Protection Policy, the  
442 Oneida Judiciary Rules of Civil Procedures, and the Employee Protection Policy.  
443

444 **NOW THEREFORE BE IT FURTHER RESOLVED**, the Human Resources Department shall update all  
445 sources to reflect the proper version of the Oneida Personnel Policies and Procedures.  
446

447 *Future Consolidation of Hearing Authority to the Judiciary*  
448

449 **NOW THEREFORE BE IT FINALLY RESOLVED**, the Oneida Business Committee recognizes the  
450 importance of continuing to pursue the consolidation of all hearing authority to the Judiciary in the future,  
451 in order to properly recognize and implement the Judiciary's purpose of administering the judicial  
452 authorities and responsibilities of the Nation.



### **Statement of Effect**

*Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments  
 in Accordance with General Tribal Council's August 27, 2018 Directive*

#### **Summary**

The resolution formally recognizes General Tribal Council's directive to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission and the related emergency amendments, while demonstrating what has already occurred to implement this directive, and providing for what further actions shall occur to properly and effectively implement the directive from General Tribal Council.

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

*Date: September 20, 2018*

#### **Analysis by the Legislative Reference Office**

On August 27, 2018, the General Tribal Council adopted a motion to “*rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the amendments related to the Blue Book from April 11, 2018 to today.*” This action was taken by the General Tribal Council under authority expressed in Article IV, Section 1(h) of the Constitution and Bylaws of the Oneida Nation, which allows the General Tribal Council to review any action taken by virtue of power that was delegated to a board or official of the Nation.

This resolution formally recognizes General Tribal Council's directive to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the related emergency amendments.

This resolution takes action to implement General Tribal Council's directive by:

- Repealing resolution BC-04-11-18-A, which dissolved the Oneida Personnel Commission, to formally reinstate the Oneida Personnel Commission;
- Repealing resolution BC-04-25-18-H, which sets forth a process to be used to transfer matters to the Judiciary from the Oneida Personnel Commission;
- Requesting the Human Resources Department consider not scheduling screening or interviews until a minimum number of members of the Oneida Personnel Commission can be appointed and sworn into office. Provided that, the Human Resources Department may schedule screening and interviewing where it would be unreasonable to delay or further delay that action and shall ensure that employment laws of the Oneida Nation are enforced in the selection process;
- Directing the Human Resources Department to provide administrative assistance to the Oneida Personnel Commission in regard to the hiring and selection of employees;
- Directing the Judiciary – Trial Court to continue hearing employee grievance matters until the Oneida Personnel Commission is prepared to begin exercising hearing authority;
- Directing the Judiciary – Trial Court to develop and provide training and/or ensure training is provided to members of the Oneida Personnel Commission on hearing processes and procedures;
- Directing the Human Resources Department to draft an interpretation of Section V.D. of the Oneida Personnel Policies and Procedures which clarifies that in regard to employee grievance matters the term “Oneida Personnel Commission” shall be interpreted to mean the “Judiciary – Trial Court”

until such time that the Oneida Personnel Commission informs the Oneida Business Committee that they are prepared to begin exercising hearing authority;

- Setting forth a transition process to transfer matters from the Judiciary – Trial Court back to the Oneida Personnel Commission when the Oneida Personnel Commission informs the Oneida Business Committee that they are prepared to begin exercising hearing authority;
- Directing the Judiciary – Trial Court to provide administrative support to the Oneida Personnel Commission in regard to employee grievance hearings;
- Providing an employment grievance process to be used in conjunction with the Oneida Personnel Policies and Procedures;
- Dissolving the Personnel Selection Committee; and
- Recognizing the rescission of the emergency amendments by repealing the resolutions that adopted emergency amendments to Military Service Employee Protection Policy, the Oneida Personnel Policies and Procedures, the Oneida Judiciary Rules of Civil Procedures, and the Employee Protection Policy.

#### *Dissolution of the Personnel Selection Committee*

The Comprehensive Policy Governing Boards, Committees and Commissions (“the Law”), provides standards and procedures related to the management of boards, committees, and commissions of the Nation. [1 O.C. 105.1-1]. All boards, committees, and commissions of the Nation are required to be dissolved in accordance with this Law. [1 O.C. 105.10-1]. Any board, committee, or commission of the nation shall only be dissolved by motion of the Oneida General Tribal Council or the Oneida Business Committee. [1 O.C. 105.10-3]. The adoption of this resolution by the Oneida Business Committee will meet that requirement.

When a board, committee or commission of the Nation is dissolved, any and all materials generated by the board, committee, or commission is required to be forwarded to the Tribal Secretary’s Office for proper storage and disposal within two weeks of dissolution. [1 O.C. 105.9-4 and 105.10-3]. The Chairperson and Secretary of the dissolved board, committee, or commission are ultimately responsible for closing out open business of the board, committee or commission and forwarding the materials. [1 O.C. 105.10-4].

This resolution does require the Personnel Selection Committee close out any open business and forward all materials and records to the Business Committee Support Office for proper storage and disposal within two (2) weeks from the date of the dissolution. Additionally, this resolution requires that within five (5) business days of the adoption of this resolution the Oneida Business Committee shall provide the Personnel Selection Committee written notice of this dissolution.

#### **Conclusion**

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

### Oneida Business Committee Agenda Request

Accept August 2, 2018, Community Development Planning Committee meeting minutes

1. Meeting Date Requested: 9 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the August 2, 2018 CDPC regular meeting minutes.

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Community Development Planning Committee

*CDPC Regular Meeting*  
9:00am – 12:00pm Thursday, August 2, 2018  
Business Committee Conference Room



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**MINUTES**

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**Present:** Ernest Stevens III, Trish King, Jennifer Webster, Kirby Metoxen, Tehassi Hill

**Others:** Susan Doxtator, James Petitjean, Paul Witek, Troy Parr, Pat Pelky, Brandon Wisneski, Kristen Hooker, Susan House, Larry Barton, Eugene Schubert, Mike Troge, Jeff Witte, Karen Smith, Rae Skenandore, Richard Elm-Hill, Scott Denny, Dana McLester, Artley Skenandore, Jacque Boyle, Cathy Bachhuber

**I. Call to Order and Roll Call**

Meeting called to order at 9:02 a.m. by Ernest Stevens III with Trish King, Kirby Metoxen, and Jennifer Webster also present.

**II. Adopt the Agenda**

Motion by Kirby Metoxen to adopt the agenda with moving the Sports Complex discussion to executive session, seconded by Jennifer Webster. Motion carried unanimously.

**III. Meeting Minutes****a. Meeting Minutes from June 7, 2018**

Motion by Jennifer Webster to approve the minutes from June 7, 2018, seconded by Kirby Metoxen. Motion carried unanimously.

**b. FYI: Work Session Notes from July 19, 2018**

No action taken.

**IV. Unfinished Business****a. Industrial Hemp** – Daniel Guzman-King, Troy Parr, Pat Pelky

Motion by Trish King to accept the report and move this item to one of the next CDPC work sessions and have this come back for the October 4<sup>th</sup> CDPC meeting, seconded by Jennifer Webster. Motion carried unanimously.

**b. Oneida Wellness/Recreational Initiative** – Oneida Planning, Ernest Stevens III

Motion by Jennifer Webster to (1) accept the verbal update from the Parks & Recreation Area Manager, (2) accept the written update from the Planning Department, and (3) add to the next CDPC work session, seconded by Kirby Metoxen. Motion carried unanimously.

**c. Block Chain Technology** – Ernest Stevens III



Motion by Jennifer Webster to accept the verbal update and send to a CDPC work session to assign a Block Chain Technology team, seconded by Trish King. Motion carried unanimously.

**d. Community Food Enterprise Center – Joanie Buckley**

Motion by Kirby Metoxen to accept the verbal report and to ask Jeff Witte to follow up [after the feasibility study is complete] with a timeline and presentation for the CDPC, seconded by Trish King. Motion carried unanimously.

**e. Facilities Management Team Update on Department moves to include: Cultural Heritage, Employee Services, Language House, NHC North Wing – Jacque Boyle**

Motion by Jennifer Webster to accept the written report and move to the next CDPC work session, seconded by Kirby Metoxen. Motion carried unanimously.

Note: For the CDPC work session, the CDPC requests to know the BIE funding so the value can be measured.

**f. Small Housing – Daniel Guzman – King**

Motion by Jennifer Webster to support the Small Housing initiative and its proposed next steps and to keep as a standing CDPC agenda item for monthly updates from the work team, seconded by Kirby Metoxen. Motion carried unanimously.

**V. Standing Updates**

**a. Upper Oneida – Oneida Planning Department**

Motion by Kirby Metoxen to accept the report, support the next steps outlined, and support moving into Phase II with identifying funding options at the next work session, seconded by Jennifer Webster. Motion carried unanimously.

**b. Cultural Heritage**

**1. Cultural Heritage Site Plan – George Skenandore**

Motion by Jennifer Webster to accept the verbal update from Government Services and have a written report on the Culture Heritage Site plan at the September CDPC Meeting, seconded by Kirby Metoxen. Motion carried unanimously.

**2. 200 Year Celebration Quarterly Update – Daniel Guzman-King**

Motion by Jennifer Webster to defer to next month's CDPC meeting, seconded by Kirby Metoxen. Motion carried unanimously.

Note: The July team meeting had to be rescheduled.

**c. Energy Team Update – Ernest Stevens III, Michael Troge**

Motion by Jennifer Webster to accept the verbal update from the Energy Team, seconded by Kirby Metoxen. Motion carried unanimously.

Note: The Native Ways Climate Adaptation update and a Climate Change Policy resolution are deferred to the September CDPC agenda.

**d. Capital Improvement Projects Quarterly Status Update – Troy Parr, Paul Witek**

Motion by Kirby Metoxen to approve the finalization of the CIP Project Prioritization by CDPC rankings, as discussed, and forward to the budget team for consideration, seconded by Jennifer Webster. Motion carried unanimously.

**VI. New Business**

**a. CDPC Charter Update – Ernest Stevens III**

Motion by Jennifer Webster to approve sending the CDPC Charter to the BC Work Session, seconded by Kirby Metoxen. Motion carried unanimously.

**c. GTC Meeting Facility – Trish King**

Motion by Jennifer Webster to forward the GTC Meeting Facility request to a CDPC work session, seconded by Kirby Metoxen. Motion carried unanimously.

**d. Food Distribution Store Concept – Ron Melchert**

No action needed, item addressed on another agenda.

**e. EXECUTIVE SESSION: Sports Complex – Ernest Stevens III**

Motion by Jennifer Webster to go into executive session at 11:50 a.m., seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Trish King to come out of executive session at 12:46 p.m., seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Trish King to send ED-18-120 to a sub-team work meeting to be scheduled in two weeks and to have the CDPC Chair submit an agenda request to the Land Commission, seconded by Kirby Metoxen. Motion carried unanimously.

**VII. Adjourn**

Motion by Trish King to adjourn at 12:50 p.m., seconded by Kirby Metoxen. Motion carried unanimously.

### Oneida Business Committee Agenda Request

Approve Community Development Planning Committee Standard Operating Procedure entitled New C

1. Meeting Date Requested: 9 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to approve the Community & Economic Development Division Administration standard operating procedure titled "New Oneida Nation Business Development for Economic and Revenue Diversification SOP".

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



## Memorandum

To: Oneida Business Committee  
 From: Ernest Stevens III, CDPC Chair  
 Date: September 18, 2018  
 Re: Community Development Planning Committee Charter and New Oneida Nation Business Development for Economic and Revenue Diversification SOP

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Included in the packet today for your consideration are the following:

1. **Community Development Planning Committee (CDPC) Charter** (Separate BC agenda item)
  - *Resolution* titled "Adoption of the Community Development Planning Committee Charter"
  - *Statement of Effect* for the "Adoption of the Community Development Planning Committee Charter" Resolution.
  - *CDPC Charter* (Charter) draft approved by the CDPC on September 6, 2018.
  - *CDPC Creation Documents* approved by BC in 2009, for your reference.
2. **New Oneida Nation Business Development for Economic and Revenue Diversification SOP (SOP)**
  - *SOP* draft from the Community & Economic Development Division


### 2017-2018 CDPC Updates to Responsibilities

At the beginning of the term, the CDPC continued work from the prior CDPC to update the CDPC creation documents to more accurately reflect the change in organizational structures and processes. These changes included identifying specific responsibilities for the collaboration of Community Development and the collaboration of Economic Development.

Since the work began on the Charter, an SOP was requested by the BC for processing economic and business venture requests. At recent BC work sessions, the BC requested the CDPC charter and the business venture SOP move in conjunction with each other and include a provision that business venture requests go to the BC for initial consideration prior to being considered by the CDPC. The CDPC has reviewed and approved the BC recommended changes to the draft CDPC Charter and draft SOP updates.

### Requested action:

Motion to approve the Community & Economic Development Division Administration standard operating procedure titled "New Oneida Nation Business Development for Economic and Revenue Diversification SOP".

 <b>ONEIDA NATION STANDARD OPERATING PROCEDURE</b>	TITLE: New Oneida Nation Business Development for Economic and Revenue Diversification SOP	ORIGINATION DATE: TBD REVISION DATE: XX/XX/XXXX EFFECTIVE DATE: After last signature XX/XX/XXXX
AUTHOR: Troy D. Parr, AIA	APPROVED BY: <i>Title &amp; Signature</i>	DATE:
DEPARTMENT: Community & Economic Development Division Administration	APPROVED BY: <i>Title &amp; Signature</i>	DATE
DIVISION: Community & Economic Development Division	APPROVED BY: <i>Title &amp; Signature</i>	DATE:
	APPROVED BY: <i>Title &amp; Signature</i>	DATE:
EEO REFERENCE NUMBER:	COMPLIANCE REVIEW BY: <i>EEO</i>	DATE:
PAGE NO: 1 of 2	APPROVED BY: <i>HRD Manager</i>	DATE:

**1.0 PURPOSE**

- 1.1 This document defines the standards and procedures any Division, Department, Business Unit, Staff, Entity, Commissioner or Government Official whom receives a solicited, or unsolicited, **Business Opportunity** presented to the Oneida Nation that are offered after the Effective Date of this S.O.P.
- 1.2 Those who are not affected (only as applicable) Existing Oneida Nation owned for-profit subsidiaries, external businesses and/or corporate entities.

**2.0 DEFINITIONS**

- 2.1 **Acquisition by Earn-out (A-EO)** - A method of acquisition by which an initial acquisition cost is established, then a portion of the cost is paid to the seller and the remaining portion is earned by the seller through a performance-incentivized schedule of payments by which the seller earns the remaining portion of the purchase price through reaching profit goals.
- 2.2 **C&EDD Diversification Fund**- Referring to the funds established in BC Resolution # 07-12-17-A.
- 2.3 **Business Development** - Business development (BD) comprises a number of tasks

- and processes generally aiming at developing and implementing growth opportunities within and between organizations. It is a subset of the fields of business, commerce and organizational theory. Business development is the creation of long-term value for an organization from customers, markets, and relationships.
- 2.4 **Business Opportunity (BO)** - A “catch all” term that refers to, but is not limited to, all of the following: Business Development; Business Proposal; Investment Opportunity; Partnership; Joint Venture, Mentor-Protégé relationship, Acquisition by Earn-out, etc.
- 2.5 **Business Opportunity Investment (BO-I)** – A “catch all” term that refers to, but is not limited to, all of the following: Business Development; Business Proposal; Investment Opportunity; Partnership; Joint Venture, Mentor-Protégé relationship, Acquisition by Earn-out, etc.
- 2.6 **Business Opportunity Abstract (BO-A)** – One or two paragraph summary of the **Business Opportunity** that will be provided to the **C&EDD Lead** by the **Business Opportunity Proposer**.
- 2.7 **Business Opportunity Prospectus (BO-P)** – One or two paragraph description of why the Oneida Nation should invest in the **Business Opportunity** that will be provided to the **C&EDD Lead** by the **Business Opportunity Proposer**.
- 2.8 **Business Opportunity Intake Form (BO-IF)** - This form will include the names of all persons that are parties to the submittal of the Business Opportunity, a **BO Abstract, BO Prospectus** of what the **Business Opportunity** they are presenting. This single form will identify if this is an Initial Intake; Tier-1; Tier-2; and/or Tier-3 Level review. BO Intake Form will be cumulative in adding additional information through the review process.
- 2.9 **Business Opportunity Investment Proposer (BO-IP)** - A person, or group of people, team or other consortium that present a Business Opportunity for consideration of the Oneida Nation. The **BO-IP** will list each and every individual that is associated with proposing the **Business Opportunity**.
- 2.10 **Business Plan** – A business plan is a formal statement of business goals, reasons they are attainable, and plans for reaching them. It may also contain background information about the organization or team attempting to reach those goals.
- 2.11 **Business Proposal** - Is a written offer from a seller to a prospective buyer.
- 2.12 **C&EDD** – Community & Economic Development Division of the Oneida Nation.
- 2.13 **C&EDD Lead** – The individual that is assigned to lead the evaluation of all new **Business Opportunities** that arise or present themselves to the Oneida Nation. Note: until such time the **Economic Development Area** within the **Community & Economic Development Division** is staffed, the Division Director will temporarily fulfill this role.
- 2.14 **Community & Economic Development Division Position Statement (C&EDD-PS)** – A cursory review and position statement from the Community & Economic Development Division with the recommendation to: 1. Pursue **Due Diligence**; 2. Do not Pursue **Due Diligence**; or 3. Needs more information prior to pursuing **Due Diligence**. This information will be included on the **Business Opportunity Review**



- Form** (for Tier-1, Tier-2 and Tier-3 Review) that will be submitted to the OBC Executive Session for consideration.
- 2.15 **Economic Development Area (EDA)** – The term “Area” is used by the Organizational Structure SOP to define a unit within a Division. The Economic Development Area is an area within the Community & Economic Development Division.
- 2.16 **Economic Development Area Position Statement(EDA-PS)** – A cursory review and position statement from the **Economic Development Area** with the recommendation to: 1. Pursue **Due Diligence**; 2. Do not Pursue **Due Diligence**; or 3. Needs more information prior to pursuing **Due Diligence**. This information will be included on the **Business Opportunity Review Form** that will be submitted to the OBC Executive Session for consideration.
- 2.17 **Economic Development Area Master Project List (EDA-MPL)** – A master list of all projects (active and non-active) maintained by the **C&EDD Lead** of the **Economic Development Area** of the **Community & Economic Development Division**.
- 2.18 **External Third-Party Review** – Engaging the services of an external entity (non-Oneida Nation Business Interest) to serve as an objective, unbiased, third-party review agent of a **Business Opportunity**. This may include, but is not limited to, Financial Analysis, Technical Analysis, and/or Feasibility Study. Activities of this review may include, but are not limited to, testing assumptions, Monti-Carlo simulation and examination of proforma financials.
- 2.19 **Finance Division Position Statement (FD Position Statement)** – A cursory review and position statement from the Oneida Finance Division with the recommendation to: 1. Pursue **Due Diligence**; 2. Do not Pursue **Due Diligence**; or 3. Needs more information prior to pursuing **Due Diligence**. This information will be included on the **Business Opportunity Review Form** that will be submitted to the OBC Executive Session for consideration.
- 2.20 **Finance Office** – Oneida Nation’s internal Finance Office, Chief Financial Officer and Finance Office staff.
- 2.21 **Initial OBC Review** – An initial cursory review of a **Business Opportunity (BO)** that is documented within a **Business Opportunity Intake Form (BOIF)** by the **C&EDD Lead**. This review is completed by the Oneida Business Committee (OBC) within an official Executive Session meeting. The purpose of this Initial OBC Review is to determine whether or not internal staff time and/or externally funded due diligence should be pursued on a **BO** after a very preliminary review.
- 2.22 **Finance Office Review** – A review conducted by internal Finance Divisional Staff on a presented **Business Opportunity** and/or **Financial Investment Opportunity**.
- 2.23 **Financial Investment Opportunity** - An investment opportunity is a period of time when one’s protocol and methodology for allocating the funds of a portfolio has a unique chance to enter a position at a favorable price level. This strategy is based on an investor’s risk profile. *NOTE: All pure Financial Investment Opportunities (non-Business Opportunity Investments) will be handled by the Finance Division in*

*accordance with their policies and procedure and is not a part of the scope of this SOP.*

- 2.24 **Joint Venture (JV)** – A joint venture (JV) is a business agreement in which the parties agree to develop, for a finite time, a new entity and new assets by contributing equity. They exercise control over the enterprise and consequently share revenues, expenses and assets.
- 2.25 **Law Office** – Oneida Nation’s internal law office Chief Counsel and Law Office staff.
- 2.26 **Letter of Non-Pursuit of Business Opportunity** – A letter issued at the end of a **Tier-1 Review**, **Tier-2 Review** or **Tier-3 Review** to notify the **Business Opportunity Proposer** that the Oneida Nation *will not* be further pursuing their proposed **Business Opportunity**.
- 2.27 **Letter Intent to Pursue Business Opportunity** – A letter issued at the end of a **Tier-3 Review** to notify the **Business Opportunity Proposer** that the Oneida Nation *will* be further pursuing their proposed **Business Opportunity**.
- 2.28 **Mentor-Protégé Relationship (MPR)** – Mentorship is a relationship in which a more experienced or more knowledgeable person helps to guide a less experienced or less knowledgeable person.
- 2.29 **Oneida Business Committee (OBC)** – Elected body of nine (9) Oneida Business Committee Members whom through majority decision through required quorum, make decisions during formal meeting or other allowable method.
- 2.30 **OBC Executive Session** – An official meeting of the Oneida Business Committee that occurs in an Executive Session format. This venue is used to protect potential trade secrets, intellectual property and/or proprietary information that may be shared by the Business Opportunity Proposer with the Oneida Business Committee regarding the details of the Business Opportunity.
- 2.31 **OBC Executive Session Agenda Request** – standard OBC form.
- 2.32 **Opportunity Analysis Task Force (OATF)** – A selective team lead by the **C&EDD Lead** of SME who come together to review and critique a new **Business Opportunity** that has passed the initial cursory review. This Task Force will be different for every new **Business Opportunity** that presents itself to the Oneida Nation. Each time an OATF is assembled it will be comprised differently. It will be based upon those required SME whom have expertise in subject matter being offered as well as those SME that are available internally as employees of the Oneida Nation. The team will be led by the **C&EDD Lead**.
- 2.33 **Partnership** -A partnership is an arrangement where parties, known as partners, agree to cooperate to advance their mutual interests. The partners in a partnership may be individuals, businesses, interest-based organizations, schools, governments or combinations. Organizations may partner to increase the likelihood of each achieving their mission and to amplify their reach. A partnership may result in issuing and holding equity or may be only governed by a contract.
- 2.34 **Subject Matter Experts (SME)** - Those individuals, typically internal fellow Oneida Nation Employees, whom are considered “experts” in their field. On

occasion, or as needed, other external individuals and/or businesses may be brought in for future evaluation of a **Business Opportunity**. These individuals may play a role on an **OATF**.

- 2.35 **“The Ask”** – Clearly stating what the **Business Opportunity Investment Proposer** is asking of the Oneida Nation. (*i.e. financial investment - how much; Partnership – how is it structured, what are the terms proposed; Joint-Venture - – how is it structured, what are the terms proposed; Acquisition by Earn-out – how is it structured, what are the terms proposed; etc.*)
- 2.36 **Tier-1 Review** – This review is the initial internal review. *NOTE: this review is documented in a BOIF Tier-1 Review Section.*
- 2.37 **Tier-2 Review** – This review is the internal **Opportunity Analysis Task Force (OATF)** - which will include internal **Subject Matter Experts (SME)**. *NOTE: this review is documented in a BOIF Tier-2 Review Section.*
- 2.38 **Tier-3 Review** – This review is performed by **External Due Diligence** *NOTE: this review is documented in a BOIF Tier-3 Review Section.*

### 3.0

## 4.0 WORK STANDARDS / PROCEDURES

### 4.1 Work Standards

- 4.2 This is a work standard that is documented in this S.O.P. The long-term goal will be to have a digital transformation of the process by shifting this process into an electronic data workflow process.

### 4.3 Procedures

- 4.3.1 A **Business Opportunity** presents itself to the Oneida Nation
- 4.3.1.1 Scope of Input: first contact with the Oneida Nation. No matter what Division, Department, Business Unit, Staff, Entity or Government Official receives the initial inquiry and/or offer to engage in a **Business Opportunity**.
- 4.3.1.2 Refer the person offering the potential **Business Opportunity** to the **C&EDD Lead** of the **Economic Development Area** for initial documentation of intake, cursory review, packaging and processing for future **OBC Executive Session Agenda Request**.
- 4.3.1.3 **The C&EDD Lead** will enter the **Business Opportunity** into the **Economic Development Area Master Project List**
- 4.3.1.4 **The C&EDD Lead** will meet with the **BOIP** to gather additional pertinent information to complete the **BOIF**.
- 4.3.1.5 **The C&EDD Lead** will then assemble a **Business Opportunity (BO) Intake Form** for consideration in **OBC Executive Session**.
- 4.3.1.5.1 **C&EDD Lead** to submit agenda request for next available **OBC Executive Session** for their review and consideration.

4.3.1.5.2 **C&EDD Lead** to attend **OBC Executive session** to present **BOI Intake Form** for **OBC** Consideration.

#### 4.3.2 **Initial OBC Review**

4.3.2.1 In an official **OBC Executive Session** meeting, the **OBC** reviews the **BOI Intake Form** prepared by the **C&EDD Lead**.

4.3.2.2 After review, the **OBC** takes one of the following actions:

4.3.2.2.1 Proceed to a **Tier-1 Review** (4.3.3).

4.3.2.2.2 Proceed to a **Tier-2 Review** (4.3.4).

4.3.2.2.3 Proceed to a **Tier-3 Review** (4.3.5).

4.3.2.2.3.1 If proceeding to **Tier-3 Review**, the **OBC** must identify the funding sources to fund cost of the **External Due Diligence**.

4.3.2.2.4 Determines that there is no interest in pursuing this **Business Opportunity**, at this time.

4.3.2.2.4.1 **OBC Decision** is documented by the **C&EDD Lead** and is documented in the **Economic Development Area Master Project List**.

4.3.2.2.4.2 **C&EDD Lead** issues **Letter of Non-pursuit of Business Opportunity**.

4.3.2.2.5 If it is determined that additional information is needed prior to considering this request, the request should move to **Tier-1 Review** (4.3.3).

#### 4.3.3 **Tier -1 Review**

4.3.3.1 **C&EDD Lead** will prepare a **BOI Tier-1 Review Form**, which includes:

4.3.3.1.1 **Business Opportunity Abstract**

4.3.3.1.2 **Business Opportunity Prospectus**

4.3.3.1.3 Identify all parties identified as the **BOI Proposer**

4.3.3.1.4 Identify position/roles for each party

4.3.3.1.5 Identify organizational structure

4.3.3.1.6 Clearly state “**The Ask**”

4.3.3.1.7 All submitted backup information from **BOI Proposer**

4.3.3.1.8 **Finance Division Position Statement**

4.3.3.1.9 **C&ED Division Position Statement**

4.3.3.1.10 [Community Development Planning Committee \(CDPC\) recommendation](#)

4.3.3.2 **C&EDD Lead** schedules a meeting on the next available **OBC Executive Session** meeting date.

4.3.3.3 **OBC** reviews **BOI Tier-1 Review Form** and takes one of the following actions:

- 4.3.3.3.1 Pursue **Tier-2 Review**
  - 4.3.3.3.1.1 **C&EDD Lead** to advance **BOI** to Tier-2 Review
- 4.3.3.3.2 Pursue **Tier-3 Review** (bypass Tier-2 Review) in lieu of going directly to an external 3<sup>rd</sup> party objective review.
  - 4.3.3.3.2.1 **C&EDD Lead** to advance **BOI** to **Tier-3 Review**.
    - 4.3.3.3.2.1.1 If proceeding to **Tier-3 Review**, the OBC must identify the funding sources to fund cost of the **External Due Diligence**.
- 4.3.3.3.3 OBC needs more information prior to decision to pursue **Tier-2 Review** or **Tier-3 Review**.
  - 4.3.3.3.3.1 **C&EDD Lead** reconvenes **Tier-1 Review Team** to compile information requested by the OBC then resubmits for 4.3.3.2.
- 4.3.3.3.4 OBC determines that there is no interest in pursuing this **Business Opportunity**, at this time.
  - 4.3.3.3.4.1 **OBC Decision** is documented by the **C&EDD Lead** and is documented in the **Economic Development Area Master Project List**.
  - 4.3.3.3.4.2 **C&EDD Lead** issues **Letter of Non-pursuit of Business Opportunity**.

#### 4.3.4 **Tier -2 Review**

- 4.3.4.1 Organize an **Opportunity Analysis Task Force (OATF)** which includes:
  - 4.3.4.1.1 Internal Oneida Departmental Subject Matter Experts (**SME**) who have industry-specific insight and expertise in the particular industry under consideration.
    - 4.3.4.1.1.1 If an internal **OATF** cannot be formed due to inability to identify internal staff with specific expertise in the industry under consideration of the **BO**, then the **C&EDD Lead** recommendation should be made to the **OBC** to proceed to **Tier-3 Review**.
  - 4.3.4.1.2 **Finance Division** Provide recommendation on whether or not to pursue external due diligence.
  - 4.3.4.1.3 **C&EDD Lead** Provide recommendation on whether or not to pursue external due diligence.
- 4.3.4.2 **OATF** Conducts analysis of the **BO** and provides supporting

data back to the **C&EDD Lead** who collects and assembles the analysis into a **BO Tier-2 Review Form**.

- 4.3.4.3 Prepare a **BO Tier-2 Review Form**, which includes:
  - 4.3.4.3.1 **OATF** Recommendation on whether or not to pursue external due diligence.
  - 4.3.4.3.2 **Finance Division** Recommendation on whether or not to pursue external due diligence.
  - 4.3.4.3.3 **C&EDD Lead** Recommendation on whether or not to pursue external due diligence.
- 4.3.4.4 OBC review **BO Tier-2 Review Form** and takes one of the following actions:
  - 4.3.4.4.1 Pursue **Tier-3 Review**
    - 4.3.4.4.1.1 If proceeding to **Tier-3 Review**, the OBC must identify the funding sources to fund cost of the **External Due Diligence**.
    - 4.3.4.4.1.2 **C&EDD Lead** to advance **BO** to **Tier-3 Review**.
  - 4.3.4.4.2 **OBC** needs more information prior to decision to pursue **Tier-3 Review**.
    - 4.3.4.4.2.1 **C&EDD Lead** reconvenes **Tier-2 Review Team** to compile information requested by the OBC then resubmits for 4.3.4.2.
  - 4.3.4.4.3 **OBC** determines that there is no interest in pursuing this **Business Opportunity**, at this time.
    - 4.3.4.4.3.1 **OBC Decision** is documented by the **C&EDD Lead** and is documented in the **Economic Development Area Master Project List**.
    - 4.3.4.4.3.2 **C&EDD Lead** issues **Letter of Non-pursuit of Business Opportunity**.

#### 4.3.5 Tier -3 Review

- 4.3.5.1 Prepare a **Business Opportunity Tier-3 Review Form**, which includes:
  - 4.3.5.1.1 **External Due Diligence** work product results
  - 4.3.5.1.2 **Finance Division** review of External Due Diligence work product. Provide comments and recommendations on whether or not to pursue **BOI**.
  - 4.3.5.1.3 **Law Office** review of External Due Diligence work product. Make recommendation on legal structure if **BOI** is pursued further.
  - 4.3.5.1.4 **C&EDD Lead** review of External Due Diligence work product. Provide comments and



- recommendations
- 4.3.5.2 Oneida Business Committee review complete **Tier-3 Review Form** and takes one of the following actions:
    - 4.3.5.2.1 Pursue **BOI**.
      - 4.3.5.2.1.1 **OBC and Finance Division** to identify funds to be used for investment
      - 4.3.5.2.1.2 **C&EDD Lead** to turn over to Law Office to proceed with 4.4. **Law Office** to issue 4.5; and then to **Finance Division** to finalize **BO proceeding** in accordance with 4.6.
    - 4.3.5.2.2 Do not pursue **BOI**.
      - 4.3.5.2.2.1 **OBC Decision** is documented by the **C&EDD Lead** and is documented in the **Economic Development Area Master Project List**.
      - 4.3.5.2.2.2 **C&EDD Lead** issues **Letter of Non-pursuit of Business Opportunity**.
    - 4.3.5.2.3 Needs more information prior to decision to pursue **BOI**.
      - 4.3.5.2.3.1 **C&EDD Lead** gathers additional information, updates and resubmits 4.3.4.2 for OBC review in 4.3.5.2
  - 4.4 **Law Office** to form appropriate legal structure for new external business.
  - 4.5 **Finance Division** to work the **OBC** to identify to be used for the **BOI**.
  - 4.6 Issue **Letter of Intent** to pursue **BOI**.
  - 4.7 Execute **Business Opportunity Investment (BOI)**
    - 4.7.1 **Finance Division** will process **BOI** in accordance with their standard policies and procedures.

## 5.0 REFERENCES

- 5.1 **BC Resolution # 07-12-17** - Amending Resolution # BC-09-28-16-B to Correctly Title the Fund “Economic Development, Diversification and Community Development” and to Correct the Purpose of the Fund to Include Community Development.

## 6.0 FORMS

- 6.1 **Business Opportunity (BO) Intake Form** – This form will identify if this is a Initial Intake; Tier-1; Tier-2; and/or Tier-3 Level review. BO Intake Form will be cumulative in adding additional information through the review process.
- 6.2 **OBC Executive Session Agenda Request Form** – Reference Oneida Intranet Forms.

**7.0 FLOW CHART**

7.1 To be in the future and included in final SOP.

DRAFT

Approve September 17, 2018 Finance Committee Meeting Minutes  
**Oneida Business Committee Agenda Request**

**1. Meeting Date Requested:** 9 / 26 / 18

**2. General Information:**

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor: Denise Vigue, Executive Assistant to the CFO /Finance Administration  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# ONEIDA NATION

P.O. Box 365



Oneida, WI 54115

## *MEMORANDUM*

**TO:** Finance Committee  
**CC:** Business Committee  
**FR:** Denise Vigue, Executive Assistant  
**DT:** Sept. 18, 2018  
**RE:** E-Poll Results of: FC Meeting Minutes of Sept. 17, 2018

An E-Poll vote of the Finance Committee was conducted to approve the Sept. 17, 2018 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

### **E-POLL RESULTS:**

**There was a Majority 5 YES votes from Patrick Stensloff, Larry Barton, Shirley Barber, Jennifer Webster and Chad Fuss to approve the Sept. 17, 2018 Finance Committee Meeting Minutes.**

The minutes will be placed on the next BC agenda of Sept. 26, 2018 for approval and the next Finance Committee agenda of Oct. 1, 2018 to ratify this E-Poll action.

Yawáko

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\* Per the Finance Committee By-Laws Article III-Meetings, 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum & 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.

## ONEIDA FINANCE COMMITTEE

### FC WORK MEETING

September 17, 2018 – 900 A.M.  
BC Executive Conference Room

### FC REGULAR MEETING

September 17, 2018 – 10:00 A.M.  
BC Executive Conference Room

## REGULAR MEETING MINUTES

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### FC WORK MEETING:

Patricia King, Treasurer/FC Chair  
Jennifer Webster, BC Council Member  
Patrick Stensloff, Purchasing Director

Larry Barton, CFO/FC Vice-Chair  
Daniel Guzman King, BC Council Member  
Chad Fuss, AGGM-Finance (Gam. Alt.)

**EXCUSED:** Shirley Barber, FC Elder Member

### FC REGULAR MEETING:

Patricia King, Treasurer/FC Chair  
Jennifer Webster, BC Council Member  
Patrick Stensloff, Purchasing Director  
Shirley Barber, FC Elder Member

Larry Barton, CFO/FC Vice-Chair  
Daniel Guzman King, BC Council Member  
Chad Fuss, AGGM-Finance (Gam. Alt.)

**OTHERS PRESENT:** Henrietta Cornelius, Tsyoshaht Delgado, Dawn Walschinski, Frank Cornelius, Melissa Nuthals, Lisa A. Moore, Jim Wildenberg, Michele Doxtator and Denise J. Vigue taking minutes

- I. **CALL TO ORDER:** The Regular FC Meeting was called to order by the FC Chair at 10:02 A.M.
- II. **APPROVAL OF AGENDA:** SEPTEMBER 17, 2018  
Motion by Larry Barton to approve the FC meeting agenda of Sept. 17, 2018 with the following changes: Delete NB #1, include two ADD On's under New Business #17 & #18 and ADD ON the FY2019 Donation Policy/packets/forms & SOP's to VI #2. Seconded by Jennifer Webster. Motion carried unanimously.
- III. **APPROVAL OF MINUTES:** SEPTEMBER 4, 2018 (Approved via E-Poll on 9/5/18):  
Motion by Patrick Stensloff to ratify the FC E-Poll action taken on 9/5/18 approving the 9/4/18 Finance Committee Meeting Minutes. Seconded by Shirley Barber. Motion carried unanimously.
- IV. **TABLED BUSINESS:** None
- V. **CAPITAL EXPENDITURES:** None
- VI. **DONATIONS:**  
Motion to move Donations to the end of the agenda by Larry Barton. Seconded by Daniel Guzman King. Motion carried unanimously.

### REPORTS:

#### 1. Donation Update Report for September 2018

Denise J. Vigue, Finance

Motion by Chad Fuss to accept the September 2018 Donation Update Report. Seconded by Patrick Stensloff. Motion carried unanimously.



**2. ADD ON: FY2019 Donation Policy /Packet /Forms /SOP's**

Denise J. Vigue, Finance

These items were added after today's discussion in the FC Work Meeting.

Motion by Jennifer Webster to approve the updated Donation Policy, packet, forms and SOP's for FY2019 and forward the updated Donation Policy with a strikeout version showing the changes made to the next Business Committee agenda. Seconded by Daniel Guzman King. Motion carried unanimously.

**REQUESTS:** None**VII. NEW BUSINESS:**

- 1. ~~Machkovich Roofing LLC~~ ~~Amount: \$99,000.00~~**  
~~Dana McLester, Comp. Housing Div.~~

Item was deleted when the agenda was approved, per the requestor.

- 2. FY19 Blanket PO – Christensen Printing** Amount: \$55,536.00  
 Michelle Danforth-Anderson, Area Director

This is a blanket for FY19 for printing costs of the KaliWiSaks; using to this Printer after Gannett closed their Appleton Office.

Motion by Jennifer Webster to approve the FY19 Blanket Purchase Order with Christensen Printing in the amount of \$55,536.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 3. FY19 Blanket PO – Lamers Bus, Inc- Headstart** Amount: \$140,000.00  
 Tsyoshaht Delgado, Gov. Services

This FY19 blanket is for bus service pickup and drop off from three routes; it was noted the sam.gov information was not included but will be forwarded to the FC.

Motion by Chad Fuss to approve the FY19 Blanket Purchase Order with Lamers Bus, Inc. for Headstart in the amount of \$140,000.00. Seconded by Shirley Barber. Motion carried unanimously.

- 4. FY19 Blanket PO – Broadspire–handling fees** Amount: \$65,000.00  
 Robert Keck, Risk Management

This and the following two are FY19 Blanket Purchase Order requests for third party administration of the worker's comp program; all workman's comp claims and liability insurance for the Nation; the latter is for three quarters as the first was paid in FY18.

Motion by Jennifer Webster to approve the FY19 Blanket Purchase Order with Broadspire for handling fees in the amount of \$35,000.00. Seconded by Shirley Barber. Larry Barton abstained. Motion carried.

- 5. FY19 Blanket PO – Broadspire-Loss Claims** Amount: \$375,000.00  
 Robert Keck, Risk Management

Motion by Jennifer Webster to approve the FY19 Blanket Purchase Order with Broadspire for loss claims in the amount of \$375,000.00. Seconded by Shirley Barber. Larry Barton abstained. Motion carried.

- 6. FY19 Blanket PO –Alliant Specialty Insurance Serv.** Amount: \$314,905.00  
Robert Keck, Risk Management

Motion by Chad Fuss to approve the FY19 Blanket Purchase Order with Alliant Specialty Insurance Services for liability insurance in the amount of \$314,905.00. Seconded by Daniel Guzman King. Larry Barton abstained. Motion carried.

- 7. Jones Sign – FY18 PO Increase** Amount: \$735.00  
Melinda J. Danforth, Intergovernmental Affairs

After invoices received PO was short this amount so seeking an increase.

Motion by Jennifer Webster to approve the FY18 Blanket Purchase Order increase with Jones Sign in the amount of \$735.00. Seconded by Larry Barton. Motion carried unanimously.

- 8. Warehouse Rental Agreement w/7Gens-FY19** Amount: \$51,000.00  
Marilyn King, Oneida Warehouse

Motion by Larry Barton to approve the FY19 Blanket Purchase Order with 7Gens for the Food Distribution Warehouse Rental in the amount of \$51,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

- 9. OTIE Task Order #3 –FY18 PO Increase** Amount: \$14,200.00  
James Petitjean, Community Development

This is for the roads project for construction costs; weather conditions were a factor that delayed some of the work; a land permit approval from the BIA is still pending.

Motion by Jennifer Webster to approve the increase of the FY18 OTIE Blanket Purchase Order for Task Order #3 in the amount of \$14,200.00. Seconded by Larry Barton. Motion carried unanimously.

- 10. FY19 Blanket PO – S Abraham & Sons** Amount: \$42,000,000.00  
Michele Doxtator, Oneida Retail Enterprise

Michele Doxtator has five FY19 Blanket Purchase Order requests for cigarettes, tobacco products, fuel, fuel transportation, soda and beer and additional FYI FY19 Blanket Purchase Orders that is under FYI #1.

Motion by Larry Barton to approve the FY19 Blanket Purchase Order with S Abraham & Sons in the amount of \$42,000,000.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 11. FY19 Blanket PO – US Venture** Amount: \$20,000,000.00  
Michele Doxtator, Oneida Retail Enterprise

Motion by Jennifer Webster to approve the FY19 Blanket Purchase Order with US Venture in the amount of \$20,000,000.00. Seconded by Chad Fuss. Motion carried unanimously.

- 12. FY19 Blanket PO – Title Town** Amount: \$5,000,000.00  
Michele Doxtator, Oneida Retail Enterprise

Motion by Larry Barton to approve the FY19 Blanket Purchase Order with Title Town in the amount of \$5,000,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

- 13. FY19 Blanket PO – Pepsi Cola** Amount: \$660,000.00  
Michele Doxtator, Oneida Retail Enterprise

Motion by Jennifer Webster to approve the FY19 Blanket Purchase Order with Pepsi Cola in the amount of \$660,000.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 14. FY19 Blanket PO – Deans Distributing** Amount: \$375,000.00  
Michele Doxtator, Oneida Retail Enterprise

Motion by Chad Fuss to approve the FY19 Blanket Purchase Order with Deans Distributing in the amount of \$375,000.00. Seconded by Larry Barton. Motion carried unanimously.

- 15. Skyline Technologies** Amount: \$54,918.75  
James Wildenberg, MIS

This contract is part of the Share Point development and request is to complete employee training on the system including moving the Intranet into this portal.

Motion by Jennifer Webster to approve the Skyline Technologies contract in the amount of \$54,918.75. Seconded by Patrick Stensloff. Motion carried unanimously.

- 16. Lords Dental Lab – FY18 PO Increase** Amount: \$9,500.00  
Henrietta Cornelius, OCHC-Dental

The department has invoices to be paid yet this year and this increase in the blanket will take them through the end of September.

Motion by Chad Fuss to approve the FY18 Blanket Purchase Order increase with Lords Dental Lab in the amount of \$9,500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

- 17. ADD ON: Attorney Contract – FY18 PO Increase** Amount: \$70,000.00  
James Bittorf, Oneida Law Office

There are considerably more litigation expenses tied to the Hobart Lawsuit that the current outside attorney has been working on; payment is pending this approval.

Motion by Larry Barton to approve the FY18 Blanket Purchase Order increase for the attorney contract for services related to the Hobart Lawsuit in the amount of \$70,000.00. Seconded by Chad Fuss Motion carried unanimously.

- 18. ADD ON: FY19 Blanket PO-Bally Gaming, Inc.** Amount: \$357,818.40  
Frank Cornelius, Gaming -Blackjack

This FY19 blanket Purchase Order is for the rental lease for all the electronic and proprietary Table Games, licenses and shufflers that are specifically designed for the Oneida casino; this is a contract that is evergreen with a 30-day cancellation by either party.

Motion by Patrick Stensloff to approve the FY19 Blanket Purchase Order with Bally Gaming, Inc for lease services in the amount of \$357,818.40. Seconded by Daniel Guzman King. Motion carried unanimously.

## VIII. EXECUTIVE SESSION:

- 1. Comp Health (5) Independent Consultant Contracts**  
Debra Danforth, Comprehensive Health Division

Motion by Jennifer Webster to move into Executive Session. Seconded by Chad Fuss. Motion carried unanimously. Time: 10:45 A.M.

Motion by Larry Barton to come out of Executive Session. Seconded by Patrick Stensloff. Motion carried unanimously. Time: 11:01 A.M.

Motion by Chad Fuss to approve the FY19 Purchase Order for OHC-Dental; contract #2018-1097. Seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to approve the FY19 Purchase Order for OHC-Optical; contract #2018-0969. Seconded by Chad Fuss. Motion carried unanimously.

Motion by Jennifer Webster to approve the FY19 Purchase Order for OHC-Optical; contract #2018-0968. Seconded by Larry Barton. Motion carried unanimously.

Motion by Larry Barton to approve the FY19 Purchase Order for OHC-Optical; contract #2018-0994. Seconded by Jennifer Webster. Motion carried unanimously.

Motion by Chad Fuss to approve the FY19 Purchase Order for OHC-Pediatrics; contract #2018-0999. Seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Larry Barton to send to the FC Work Meeting the topic of considering a wage analysis for all Health Care Providers and all other employees. Seconded by Chad Fuss. Motion carried unanimously.

**IX. FOLLOW UP:** None

**X. OTHER:**

**1. Request: Canceling FC Meeting on Dec. 17, 2018**

Denise J. Vigue, Finance Administration

Motion by Jennifer Webster to cancel the Dec. 17, 2018 Finance Committee meeting. Seconded by Patrick Stensloff. Motion carried unanimously.

**XI. FYI and/or THANK YOU:** None

**1. FYI: FY19 Blanket PO's-Cost of Operations items**

Michele Doxtator, Oneida Retail Enterprise

Motion by Chad Fuss to accept the FY19 Blanket Purchase Orders for operational costs for Retail as FYI. Seconded by Larry Barton. Motion carried unanimously.

**XII. ADJOURN:** Motion by Larry Barton to adjourn. Seconded by Daniel Guzman King. Motion carried unanimously. Time: 11:16 A.M.

Minutes taken & transcribed by:  
Denise Vigue, Executive Assistant to the CFO  
& Finance Committee Contact/Recording Secretary

Finance Committee-E-Poll Minutes Approval Date: September 18, 2018

Oneida Business Committee's FC Minutes Approval Date: \_\_\_\_\_

Approve updated Finance Committee Agenda Request  
~~Oneida Business Committee Agenda Request~~

1. Meeting Date Requested: 9 / 26 / 18

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

BC approval of Updated FC Donation Policy as approved by the Finance Committee on 9/17/18.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. FC Donation Policy- Strikethrough version

3. [Empty text box]

2. FC Donation Policy - Updated version

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Tribal Treasurer

Primary Requestor: Denise Vigue, Executive Assistant to the CFO /Finance Administration  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

Excerpt from the FC Minutes of 9/17/18:

VI. Donations:

2. ADD ON: FY2019 Donation Policy /Packet /Forms /SOP's  
Denise J. Vigue, Finance

These items were added after today's discussion in the FC Work Meeting.

Motion by Jennifer Webster to approve the updated Donation Policy, packet, forms and SOP's for FY2019 and forward the updated Donation Policy with a strikeout version showing the changes made to the next Business Committee agenda. Seconded by Daniel Guzman King. Motion carried unanimously.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidation.org](mailto:BC_Agenda_Requests@oneidation.org)



## ONEIDA FINANCE COMMITTEE DONATION POLICY

Article I. Purpose & Policy

Article II. Adoption, Amendment, Repeal

Article III. Individuals/Groups

Article IV. Definitions

Article V. Donation Provisions

Article VI. Submission Requirements /Deadlines

Article VII. Exclusions /Areas Not Covered

Article VIII. Notification Process

### Article I. Purpose & Policy

1-1. Traditionally, *OnA·yote? a·ka'* (Oneida people) express selfless giving as *Kanolukhwa'Sla* (compassion, caring, identity and joy of being). The purpose of this Donation Policy is to show commitment to Oneida Tribal members and the community in this same thoughtful manner.

1-2. The Oneida ~~Tribe of Indians of Wisconsin~~ **Nation** receives requests from numerous organizations and individuals for donations to support local charitable groups and community/member activities.

1-3. This updated donation policy and accompanying Standard Operating Procedures outline the process of receiving donation requests by the Oneida ~~Tribe of Indians of Wisconsin~~ **Nation** and how they are reviewed by the Finance Committee (FC). **(This section moved to 1-2.)**

### Article II. Adoption, Amendment, Repeal

2-1. This policy shall become effective upon adoption. Adoption of this policy shall supersede all previous versions and provisions.

2-2. This policy may be reviewed annually by the Treasurer and the Finance Committee.

2-3. This policy may be amended or repealed by the Oneida Business Committee pursuant to the Oneida Administrative Procedures Act.

### Article III. Individuals/Groups

3-1. Individuals and organizations who request funding from the Oneida ~~Tribe of Indians of Wisconsin~~ **NATION** will be organized by services that positively affect the quality of life for Oneida tribal members.

3-2. This policy includes limitations on the level of funding, and who can receive donations.

3-3. This policy specifically addresses requests for donations that originate from:

- 1) Not-for-Profit Groups;
- 2) Oneida Affiliated Veteran's Groups;
- 3) Socially /Environmentally ~~Conscious~~ **Sponsored** Groups; ~~or~~
- 4) Special Funded Groups
- 5) **Spiritual or Religious Organizations**

### Article IV. Definitions

4-1. This article shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

4-2. **Donation** - A monetary contribution to organizations /charities as listed in this policy that directly and positively contributes to the life and welfare of Oneida tribal members and community. ~~The In~~ exchange of payment, the Oneida Nation ~~for~~ secures the right to advertise and promote all donations in a positive manner at charitable/community events.

4-3. **Finance Committee** - The Finance Committee is a working sub-committee of the Business Committee and is responsible for recommending financial policies and budgets that support the mission, values, and strategic goals of the Nation. The Finance Committee shall be presided over by the Treasurer, acting as Chairperson and the body consisting of: One (1) Community Elder; Two (2) Business Committee members; the Chief Financial Officer, and ~~Management from Gaming General Manager, and Purchasing Director Non-Gaming.~~

4-4. **Services** - Those services that address health and social welfare causes, Indigenous based services, **Veteran's services**, environmentally friendly/~~energy efficient services and sponsored groups, charitable services and spiritual and mental wellness services.~~

4-5. **Twelve-month period** - The time period measured by the Oneida ~~organizations~~ Nation's fiscal calendar year ~~which~~ that currently begins in October and runs ~~to~~ through September of the ~~next~~ following year.

4-6. **501(c)(3) Non-profit** - Charitable and non-profit organizations as defined by the Internal Revenue Code.

#### Article V. Donation Provisions

5-1. The Treasurer and Chief Financial Officer will determine each fiscal year the ~~Tribe's~~ Nation's economic stability for charitable giving.

5-2. Requests for donations will be directed and routed through the Treasurer's Office ~~or~~ ~~to~~ the Finance **Administration** Office for review by the Finance Committee.

5-3. Donation provisions ~~include~~ are set as follows: ~~40%~~ 45% of the funds will be allocated to Oneida community causes; ~~40%~~ 45% of the funds will be allocated to **Local/Area** groups (~~Green Bay /WI~~), and ~~20%~~ 10% of the funds will be allocated to **National** Groups.

5-4. Donations will be limited to and not exceed \$2,500.00 per request-~~( /per year)~~ /per group, or 50% of the need whichever is less. Depending on funding allocations this amount may be modified by the Treasurer and the Finance Committee.

5-5. Requestor must also have a demonstrated need and evidence of a 10% matching contribution toward the funding request. Additionally, the requesting organization must also have a philosophy that is consistent with Tribal perspective, as contained in the Oneida ~~Tribe's~~ Nation's mission statement

#### Article VI. Submission Requirements /Deadlines

6-1. The Finance Committee regularly meets twice a month one week before regular Business Committee meetings. Donation requests will be reviewed **at the second meeting of each month** by the Finance Committee ~~once a month~~ for requests that are received one (1) week prior to the FC meeting date.

~~6-2. Donation requests will be reviewed on the second meeting of the Finance Committee each month.~~

6-2. Completed application packets consist of three parts that include:

- 1) a. The Request form;
- 2) b. A [separate](#) narrative describing reason for request and how funds will be used;
- 3) c. Accompanying materials such as flyers or information about the event, the reason for request and information about the group's status.
- 4) d. Evidence of the required 10% match to their request.

6-4. Specific packet information and review dates can be requested through the Finance Administration Office.

### **Article VII. Areas /Items Not Covered**

7-1 Areas not covered under this policy include but are not limited to: personal expenses, hardship cases, or travel requests from individuals. All such requests may be referred to Social Services or other social agency for assistance.

7-2. All requests from departments within the Oneida Tribal organization ~~are also not eligible for funds under this policy~~ as their funding falls under the normal tribal budget process.

7-3. ~~All individual or~~ [Group requests](#) that could be covered by another program within the Tribal organization.

[7-4. Group requests that do not provide a copy of their 501\(c\)\(3\) Non-profit status; or individual requests that cannot verify the founding of their organization.](#)

7.5. [Group](#) ~~R~~ requests for general operating expenses, capital building campaigns and related requests from organizations/agencies will generally not be covered; but may be reviewed on a case by case basis.

7.6. Multiple requests by the same organization within the same fiscal year will not be reviewed.

[7.7.](#) Requests from groups that have not provided a follow-up report from a previous year.

### **Article VIII. Notification Process**

8-1. The Finance Department staff is responsible for the preparation and processing of requests in a timely manner for the Finance Committee to review [and for processing approved requests.](#)

8-2. Recipients will be notified within ~~ten~~ [five \(10 5\)](#) business days after a Finance Committee meeting as to the status of an individual's/organization's request.

[8.3 A check will be sent to the recipient along with a letter providing the details of a required follow-up report.](#)

*APPROVED:*

\_\_\_\_\_  
Patricia King, Finance Committee Chair

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Updates approved by the Finance Committee on 9/11/15.

## ONEIDA FINANCE COMMITTEE DONATION POLICY

Article I. Purpose & Policy  
 Article II. Adoption, Amendment, Repeal  
 Article III. Individuals/Groups  
 Article IV. Definitions

Article V. Donation Provisions  
 Article VI. Submission Requirements /Deadlines  
 Article VII. Exclusions /Areas Not Covered  
 Article VIII. Notification Process

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### **Article I. Purpose & Policy**

1.1. **Purpose.** Traditionally, OnΛ-yote? a-ka‘ (Oneida people) express selfless giving as Kanolukhwa‘Sla (compassion, caring, identity and joy of being). The purpose of this Donation Policy is to show commitment to Oneida Tribal members and the community in this same thoughtful manner.

1-2. **Policy.** The Oneida Nation receives requests from numerous organizations and individuals for donations to support local charitable groups and community/member activities. This updated donation policy and accompanying Standard Operating Procedures outline the process of receiving donation requests by the Oneida Nation and how they are reviewed by the Finance Committee (FC).

### **Article II. Adoption, Amendment, Repeal**

2-1. This policy shall become effective upon adoption. Adoption of this policy shall supersede all previous versions and provisions.

2-2. This policy may be reviewed annually by the Treasurer and the Finance Committee.

2-3. This policy may be amended or repealed by the Oneida Business Committee pursuant to the Oneida Administrative Procedures Act.

### **Article III. Individuals/Groups**

3-1. Individuals and organizations who request funding from the Oneida Nation will be organized by services that positively affect the quality of life for Oneida tribal members.

3-2. This policy includes limitations on the level of funding, and who can receive donations.

3-3. This policy specifically addresses requests for donations that originate from:

1. Not-for-Profit Groups;
2. Oneida Affiliated Veteran’s Groups;
3. Social /Environmental Sponsored Groups;
4. Special Funded Groups; or
5. Spiritual or Religious Organizations

**Article IV. Definitions**

4-1. This article shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

4-2. **Donation.** A monetary contribution to organizations /charities as listed in this policy that directly and positively contributes to the life and welfare of Oneida tribal members and community. In exchange of payment, the Oneida Nation secures the right to advertise and promote all donations in a positive manner at charitable/community events.

4-3. **Finance Committee.** The Finance Committee is a working sub-committee of the Business Committee and is responsible for recommending financial policies and budgets that support the mission, values, and strategic goals of the Nation. The Finance Committee shall be presided over by the Treasurer, acting as Chairperson and the body consisting of: One (1) Community Elder; Two (2) Business Committee members; the Chief Financial Officer, and Management from Gaming and Non-Gaming.

4-4. **Services.** Those services that address health and social welfare causes, Indigenous based services, Veteran's services, environmentally sponsored groups, charitable services and spiritual and mental wellness services.

4-5. **Twelve-month period.** The time period measured by the Oneida Nation's fiscal calendar year that currently begins in October and runs through September of the following year.

4-6. **501(c)(3) Non-profit.** Charitable and non-profit organizations as defined by the Internal Revenue Code.

**Article V. Donation Provisions**

5-1. The Treasurer and Chief Financial Officer will determine each fiscal year the Nation's economic stability for charitable giving.

5-2. Requests for donations will be directed and routed through the Treasurer's Office or the Finance Administration Office for review by the Finance Committee.

5-3. Donation provisions are set as follows: 45% of the funds will be allocated to Oneida Community Causes; 45% of the funds will be allocated to Local/Area Groups; and 10% of the funds will be allocated to National Groups.

5-4. Donations will be limited to and not exceed \$2,500.00 per request /per year /per group, or 50% of the need whichever is less. Depending on funding allocations this amount may be modified by the Treasurer and the Finance Committee.

5-5. Requestor must also have a demonstrated need and evidence of a 10% matching contribution toward the funding request. Additionally, the requesting organization must also have a philosophy that is consistent with Tribal perspective, as contained in the Oneida Nation's mission statement.

**Article VI. Submission Requirements /Deadlines**

6-1. The Finance Committee regularly meets twice a month one week before regular Business Committee meetings. Donation requests will be reviewed at the second meeting of each month by the Finance Committee for requests that are received one (1) week prior to the FC meeting date.

6-2. Completed application packets must include the following:

- a. The Request form;
- b. A separate narrative describing reason for request and how funds will be used;
- c. Accompanying materials such as flyers or information about the event, the reason for request and information about the group's status.
- d. Evidence of the required 10% match to their request.

6-3. Specific packet information and review dates can be requested through the Finance Administration Office.

**Article VII. Exclusions /Areas Not Covered**

7-1. Areas not covered under this policy include but are not limited to: personal expenses, hardship cases, or travel requests from individuals. All such requests may be referred to Social Services or other social agency for assistance.

7-2. All requests from departments within the Oneida Tribal organization as their funding falls under the normal tribal budget process.

7-3. Group requests that could be covered by another program within the Tribal organization.

7-4. Group requests that do not provide a copy of their 501(c)(3) Non-profit status; or individual requests than cannot verify the founding of their organization.

7-5. Requests for general operating expenses, capital building campaigns and related requests from organizations/agencies will generally not be covered; but may be reviewed on a case by case basis.

7-6. Multiple requests by the same organization within the same fiscal year will not be reviewed.

7.6. Requests from groups that have not provide a follow up report from a previous year.

**Article VIII. Notification Process**

8-1. The Finance Department staff is responsible for the preparation and processing of requests in a timely manner for the Finance Committee to review and for processing approved requests.



8-2. Recipients will be notified within five (5) business days after a Finance Committee meeting as to the status of an individual's/organization's request.

8.3. A check will be sent to the recipient along with a letter providing the details of a required follow up report.

*APPROVED BY:*

\_\_\_\_\_  
Patricia King, Finance Committee Chair

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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Approved by the Finance Committee on: Sept. 17, 2018  
DATE

### Oneida Business Committee Agenda Request

Accept September 5, 2018, Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 9 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the September 5, 2018 LOC meeting minutes

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

September 5, 2018

9:00 a.m.

**Present:** David P. Jordan, Daniel Guzman King, Jennifer Webster

**Excused:**, Ernest Stevens III, Kirby Metoxen

**Others Present:** Kristen Hooker, Maureen Perkins, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Evander Delgado, Leyne Orosco

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

David P. Jordan called the September 5, 2018 Legislative Operating Committee meeting to order at 9:00 a.m.

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

### II. Minutes to be Approved (:37 -:56)

#### August 15, 2018 LOC Minutes

Motion by Jennifer Webster to approve the August 15, 2018 Legislative Operating Committee meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

### III. Current Business

#### 1. Petition: G. Dallas- \$5000 Payment (:58-1:42)

Motion by Jennifer Webster to approve the Petition: G. Dallas Payment within 90 days statement of effect and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

#### 2. Petition: L. Dallas- Medicare Part B Premium Payment (1:44-2:23)

Motion by Jennifer Webster to approve the Petition: L. Dallas Medicare Part B Premium Payment statement of effect and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

#### 3. GTC Meetings Law (2:24-4:19)

Motion by Jennifer Webster to remove the GTC Meetings Law from the active files list and forward the memorandum to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.



**4. Comprehensive Policy Governing Boards, Committees, and Commissions (4:19-7:53)**

Motion by Daniel Guzman King to defer the Comprehensive Policy Governing Boards, Committees, and Commissions until we receive the fiscal impact statement; seconded by Jennifer Webster; Motion carried unanimously.

Subsequent motion by Jennifer Webster to have the LOC chair contact the Chief Financial Officer to find out who is not responding and give the LOC chair authority to contact the areas that are not responding; seconded by Daniel Guzman King. Motion carried unanimously,

**5. Election Law Amendments (7:54-10:28)**

Motion by Jennifer Webster to approve the memo in the public meeting packet, send the Election Law Amendments to a public meeting November 8, 2018, forward all the materials to the OBC for inclusion in the October 28, 2018 GTC meeting materials, and forward the Election Law Amendments to the finance office for a fiscal impact statement; seconded by Daniel Guzman King. Motion carried unanimously.

**IV. New Submissions**

**V. Additions**

**VI. Administrative Items**

**1. Memo regarding the August 27, 2018 GTC Action (10:32–12:08)**

Motion by Jennifer Webster to approve the memo and forward to the Oneida Business Committee: seconded by Daniel Guzman King. Motion carried unanimously.

**VII. Executive Session**

**VIII. Adjourn**

Motion by Daniel Guzman King to adjourn the September 5, 2018 Legislative Operating Committee meeting at 9:12 a.m.; seconded by Jennifer Webster. Motion carried unanimously.

### Oneida Business Committee Agenda Request

Accept Children’s Code Implementation quarterly update

1. Meeting Date Requested:   9   /  26  /  18 

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the Children's Code Implementation Quarterly Update Report

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



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



TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson  
 DATE: September 26, 2018  
 RE: Children's Code Implementation Quarterly Update

The Children's Code was adopted by the Oneida Business Committee (OBC) through resolution BC-07-26-17-J with the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit, by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation, and acknowledging the customs and traditions of the Nation when raising an Oneida child. Oneida Business Committee resolution BC-07-26-17-J requires the Children's Code to become effective four hundred and fifty-five (455) calendar days after the adoption of the Fiscal Year 2018 budget.

On July 26, 2017, the OBC directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the full implementation.

On September 13, 2017, the OBC reviewed and accepted the Children's Code Implementation plan. This implementation plan is to be used as a guideline for the affected entities to prepare for the successful implementation of the Children's Code. This implementation plan is not exhaustive, and the OBC can modify the effective date of the Children's Code and implementation plan as it deems necessary to successfully implement the Children's Code.

On October 8, 2017, the General Tribal Council adopted the Fiscal Year 2018 budget through resolution GTC-10-08-17-A. In accordance with Oneida Business Committee resolution BC-07-26-17-J, the Children's Code will become effective on January 6, 2019.

The Oneida Business Committee reviewed and accepted the first Children's Code Implementation Quarterly Update on December 27, 2017, the second quarterly update on March 28, 2018, and the third quarterly update on June 27, 2018.

This memorandum serves as the fourth quarterly update to the OBC on the implementation of the Children's Code.

## ONEIDA FAMILY COURT

### *Accomplishments*

In accordance with the approved implementation plan, the Oneida Family Court (OFC) was able to complete the following by the time of this fourth quarterly report:

- *Training of OFC Current Workload.*



- Although both OFC Judges have prior experience with child support, divorce, legal custody, physical placement, and visitation matters, and have been hearing those cases, Judge Zelenski is currently handling most of the caseload so that Judge Collins can focus on Children's Code implementation.
- Both judges and the current clerk have been providing training to the new clerk, who started employment on July 23, 2018.
- Prior to the effective date of the Children's Court, the entire OFC staff will be taking on the current workload duties of the court.
- *Development of Training on the Children's Code.*
  - Training on the Children's Code and Threats, Vulnerability, and Protective Capacity have been developed and will be presented to the OFC staff by Judge Collins in December 2018. As the Children's Code is scheduled to go into effect in January 2019, the court does not want to leave a large gap in between training and the effective date of the law.
- *Family Court Brochures and Instruction Forms.*
  - OFC has developed brochures covering the four (4) components of the Children's Code:
    - Children in need of protection or services (CHIPS);
    - Juvenile guardianship;
    - Termination of parental rights (TPR); and
    - Adoption.
  - The newly created Children's Code brochures will be added to the other brochures and FAQs addressing the OFC's current caseload.
  - OFC has created a one (1) page instruction form for all the petitions and motions associated with the Children's Code.
- *Outreach with County Courts.*
  - On August 2, 2018, the OFC reached out to the District VIII Court Administrator's Office and the chief judges in Brown and Outagamie counties with information on the Nation's Children Code and a request to pass that information along to the circuit court judges and commissioners in both counties. The judges and commissioners were invited to contact the OFC with questions and/or concerns.
- *Adoption Records Retention.*
  - The OFC will maintain adoption files and will look to scan in any files that are moved off-site.
- *Guardian Ad Litem Training.*
  - The OFC has developed an agenda for a guardian ad litem (GAL) training focused on the Children's Code and two sessions will be held on October 17-19, 2018 and November 28-30, 2018.



- Both training sessions are filled and the court is maintaining a waiting list in case anyone informs the court that they will not be attending.
- Individuals that are approved to take guardian ad litem appointments in the current case load will also be offered opportunities to be certified to work on Children's Code cases separate from the two training sessions previously referenced.
- *Development of Forms and Guides.*
  - Over sixty-two (62) various court forms and documents that will be necessary for the implementation of the Children's Code at the OFC have been developed, including:
    - Notice of Emergency Custody Hearing
    - Temporary Physical Custody Request
    - Order for Temporary Physical Custody
    - Petition for Child in Need of Protection or Services
    - Dispositional Order- Protection or Services
    - Motion to Terminate Dispositional Order
    - Order Terminating Dispositional Order
    - Request for Jurisdiction (Parent or Guardian)
    - Request for Jurisdiction (Child)
    - Motion to Change Placement
    - Notice of Change in Placement
    - Notice of Emergency Change in Placement (In-Home to Out-of-Home)
    - Order for Change in Placement (In-Home to In-Home)
    - Order for Change in Placement (In-Home to Out-of-Home)
    - Order for Change in Placement (Out-of-Home to In-Home)
    - Order for Change in Placement (Out-of-Home to Out-of-Home)
    - Motion to Revise Dispositional Order
    - Order for Revision of Dispositional Order
    - Motion to Extend Dispositional Order
    - Order for Extension of Dispositional Order (In-Home)
    - Order for Extension of Dispositional Order (Out-of-Home)
    - Stipulation for Consent Decree (In-
    - Notice and Motion to Revoke Trial Reunification
    - Order for Trial Reunification
    - Order for Extension of Trial Reunification
    - Order for Revocation of Trial Reunification
    - Permanency Plan Order
    - Petition for Appointment of Guardian
    - Dispositional Order Appointing Guardian
    - Motion to Revise Guardianship Order
    - Order on Motion to Revise Guardianship Order
    - Motion to Terminate Guardianship Order
    - Order for Investigation
    - Order on Motion to Terminate Guardianship Order
    - Petition for Termination of Parental Rights
    - Order Concerning Termination of Parental Rights (Voluntary)
    - Order Concerning Termination of Parental Rights (Involuntary)
    - Residual Rights Agreement (template)
    - Petition for Adoption
    - Order for Investigation
    - Adoption Order (Customary Adoption)
    - Adoption Order (Closed Adoption)
    - Certificate of Service by Mail (for Clerks to use with CHIPS Orders)
    - TPR Warnings
    - UCCJEA Affidavit
    - Voluntary TPR Questions (for Court)

- Home)
    - Stipulation for Consent Decree (Out-of-Home)
    - Consent Decree (In-Home)
    - Consent Decree (Out-of-Home)
    - Motion to Extend Consent Decree
    - Order on Motion to Extend Consent Decree
    - Motion to Revoke Consent Decree
    - Order on Motion to Revoke Consent Decree
    - Notice and Motion for Trial Reunification
    - Notice and Motion to Extend Trial Reunification
  - Hearing Checklists (for Court)
  - Child in Need of Protection or Services Dispositional Report
  - Treatment Plan and Conditions (includes a compilation of court ordered conditions that may be maintained by the Department and a list of available services)
  - Permanency Plan
  - Guardianship Court Report
  - Guardianship Revision Court Report
  - Guardianship Termination Court Report
  - Termination of Parental Rights Dispositional Report
  - Adoption Investigation Report
- *Communication with other Branches of the Judiciary.*
  - The Trial Court, Family Court, and Court of Appeals utilize a shared calendar to ensure that the two courtrooms are not double booked. The courts will meet to discuss any future issues.
- *Meeting with the Legal Resource Center.*
  - OFC has had two (2) meetings with the Legal Resource Center to discuss the court process and any concerns with the Legal Resource Center's implementation (the first meeting was with a clerk and the second with a judge).
  - The Legal Resource Center was also provided with a document summarizing the Children's Code timelines and mandates.
- *Meeting with ICW Department, Law Office, and Legislative Reference Office.*
  - On August 1, 2018, the OFC hosted a meeting to discuss the current status of the Children's Code implementation.
- *Meeting with CW Family Solutions.*
  - On August 8, 2018, the OFC met with Tami Walls and Dorothea Carson from CW Family Solutions, which is a program that offers supervised visitation and exchanges.
  - CW Family Solutions indicated that they would be willing to contract with the Indian Child Welfare Department to provide supervised visitation. This information was passed along to the ICW Department.

### **Goals**

In accordance with the approved implementation plan, the OFC has the following goals for the next quarter:

- *Training on the Children's Code.*
  - The Family Court staff is attending a Child Safety Decision Making Training on October 24, 2018.

- Complete internal training on the Children’s Code and Threats, Vulnerability, and Protective Capacity in December 2018.
- *Guardian Ad Litem Training.*
  - OFC will provide guardian ad litem trainings focused on the Children's Code on October 17-19, 2018 and November 28-30, 2018.
  - OFC will be available to provide opportunities for current guardians ad litem to be certified to work on Children's Code cases separate from the two training sessions previously referenced.
- *Preparation for Case Transfers.*
  - Resolution BC-07-26-17-J requires that at least sixty (60) days before the Children’s Code becomes effective the Legislative Operating Committee and the Indian Child Welfare Department shall hold a work meeting to discuss the number of cases seeking transfer to the Oneida Family Court. The Legislative Operating Committee will then provide this information to the OFC for planning purposes.
  - Once the OFC receives the memorandum from the Legislative Operating Committee regarding the potential number of case transfers, the court will make any necessary adjustments to the preparation that has already started for the upcoming child welfare caseload.
- *Meeting with ICW Department, Law Office, and Legislative Reference Office.*
  - A meeting between the OFC, ICW Department, Law Office, and Legislative Reference Office for the purpose of discussing the current status of the Children's Code implementation is tentatively scheduled for November 2018.

### ***Challenges and Barriers to Implementation***

The following matter may serve as a challenge or barrier for the OFC in their efforts to implement the Children’s Code:

- *Guardians Ad Litem.*
  - Although the OFC has made efforts to recruit individuals to attend the training sessions and is hopeful that people will sign up to take cases after the training sessions have occurred, a lack of participation of guardians ad litem may be a potential barrier.
  - The OFC will provide updates to the Oneida Business Committee if there are any future issues.

## ONEIDA INDIAN CHILD WELFARE DEPARTMENT

### ***Accomplishments***

In accordance with the approved implementation plan, the Indian Child Welfare Department (ICW) was able to complete the following in time for the third quarterly report:

- *Hiring of Paralegal.*
  - The paralegal position for ICW was filled on July 1, 2018.



- *Training.*
  - Training for current and new staff continues, both internally through a newly developed orientation and through our partnership with Wisconsin Child Welfare Professional Development System (WCWPDS).
- *Involvement in the Development of 161 Agreements and Memorandums of Understanding.*
  - ICW continues to be involved in the development of 161 Agreements and memorandums of understanding with both Outagamie and Brown counties.
- *Intake Phone Line.*
  - Acquired an Intake phone line to be used for emergency contacts, and provided this information to both Brown and Outagamie counties.
- *Memorandum of Understanding with the Oneida Police Department.*
  - ICW has worked in conjunction with the Oneida Police Department (OPD) on finalizing a memorandum of understanding with OPD.
  - On August 2, 2018 edits were finalized on the OPD memorandum of understanding, and the memorandum of understanding was sent to Police Commission by the OPD Police Chief for final approval.
- *Review of Court Documents and Forms.*
  - The OFC has provided ICW with all created court forms and documents. Starting on September 5, 2018, ICW began holding weekly reviews of the legal documents and is drafting clarifying questions and proposed edits for the OFC.
- *Meeting with ICW Department, Law Office, and Legislative Reference Office.*
  - On August 1, 2018 a meeting between the OFC, ICW, Law Office, and Legislative Reference Office was held for the purpose of discussing the current status of the Children's Code implementation.
- *Guardian Ad Litem Training.*
  - ICW will participate in providing information during the trainings for the guardian ad litem that will be held on October 17-19, 2018 and November 28-30, 2018.
- *Training and Development of Standards.*
  - ICW has continued to assess and determine the best structure, policy and process development to support the successful implementation of the Children's Code.

### **Goals**

In accordance with the approved implementation plan, ICW has the following goals for the next quarter:

- *Hiring of Additional Staff.*
  - ICW currently has a vacant Parenting Coordinator position that needs to be filled.
- *Training of Staff and Development of Standards.*
  - ICW would like to continue training all ICW staff, and also develop the necessary internal policies, procedures, and standards to address issues related to the implementation of the Children's Code.

- ICW will form work groups that can be dedicated to reviewing standards regarding safety, initial assessments, and on-going case management.
  - ICW hopes to have all internal standards adopted in the near future.
- *161 Agreements and Memorandums of Understanding with Brown and Outagamie County.*
  - ICW hopes to finalize a 161 Agreement and memorandum of understanding with Outagamie County that will detail the relationship, roles, payment for placements, communication, and responsibilities of ICW and Outagamie County.
  - ICW hopes to begin negotiations with Brown County for a 161 Agreement and memorandum of understanding.
- *Memorandum of Understanding with OPD.*
  - ICW and OPD hope to finalize the memorandum of understanding that will detail the relationship, roles, communication, and responsibilities of the two departments.
- *Meeting with OFC, Law Office, and Legislative Reference Office.*
  - A meeting between the OFC, ICW Department, Law Office, and Legislative Reference Office for the purpose of discussing the current status of the Children's Code implementation is tentatively scheduled for November 2018.
- *Children's Code Court Documents and Forms.*
  - ICW will work with the OFC to finalize all court documents and forms that will be used for the Children's Code.
- *Database Access.*
  - ICW still has to determine database access and what the department will need to properly manage cases.
  - ICW will not be able to determine the best solution to database access until ICW gains experience and knowledge operating with current database access.

### ***Challenges and Barriers to Implementation***

The following matters have served as a challenge or barrier for ICW in their efforts to implement the Children's Code:

- *Loss of a Parenting Program Coordinator.*
  - ICW has lost a Parenting Program Coordinator, and will now have to fill that position.
- *161 Agreement and Memorandums of Understanding.*
  - The process for securing 161 Agreements and memorandums of understanding with both Outagamie County and Brown County has moved forward much slower than anticipated. This has been due to process on both the Nation's and the Counties' sides.
- *The Unknown.*
  - Throughout the implementation process, a barrier that has challenged the ICW are the unknown matters that needed to be addressed that were not planned for during



the development of the implementation plan, such as additional processes and documentation that will need to be developed, and technical assistance.

- *Time Management.*
  - ICW has been challenged by time management and work loads.
  - ICW still has to maintain all current day to day responsibilities and duties, but also has to prioritize the implementation of the Children's Code, and prepare to take on a larger role and more responsibilities once the Children's Code is implemented.

### **Concerns**

ICW has the following concerns for the implementation of the Children's Code:

- *Effective Date of the Children's Code.*
  - The Oneida Business Committee adopted the Children's Code through resolution BC-07-26-17-J, which required the law to become effective four hundred and fifty-five (455) calendar days after the adoption of the Fiscal Year 2018 budget. The Fiscal Year 2018 budget was adopted by the General Tribal Council through resolution GTC-10-08-17-A on October 8, 2017. This means the Children's Code will become effective on January 6, 2019.
  - ICW is concerned that because of the delays in hiring, delays in training and development, and the delays in the negotiations of the various memorandums of agreement and 161 Agreements, ICW will not be prepared to implement the Children's Code by January 6, 2019.
- *Legal Representation.*
  - ICW has concerns that the department will need more time and commitment from its legal representation in the future in order for the Children's Code to be successful.
- *Increasing Child Welfare Cases.*
  - ICW previously predicted that the current drug epidemics will result in increased cases and trends.
  - Although caseloads have increased, all workers currently have a manageable case load.
  - The trends in increasing caseloads will have to continue to be monitored and assessed.

### **Requests of the Oneida Business Committee**

ICW requests the following assistance from the Oneida Business Committee regarding the implementation of the Children's Code:

- *Supportive Services.*
  - Once the Children's Code is fully implemented and ICW is operating independently, there may be a future need for supportive services if it is determined there was a loss of resources.
- *Understanding.*

- ICW asks the Oneida Business Committee for support and understanding that the implementation of the Children's Code is a very involved and complicated process, and although it is taking time to complete, ICW is approaching the implementation of this law with great care and thoughtfulness in order to ensure the successful implementation.

## 161 AGREEMENT NEGOTIATION TEAM

The OBC reviewed the draft 161 Agreement and on September 13, 2017, the OBC made a motion to accept the update and changes to the draft 161 agreement as information, and directed the negotiating team composed of representatives from the Law Office, Governmental Services, and Intergovernmental Affairs & Communications, to begin negotiations with Outagamie County followed by Brown County.

### *Accomplishments*

The 161 Agreement Negotiation Team has completed the following in time for the third quarterly report:

- *Outagamie County Negotiations.*
  - Negotiations with Outagamie County for a memorandum of agreement and a 161 Agreement have been ongoing.
  - Outagamie County Corporation Counsel reviewed both agreements on September 7, 2018.
  - ICW had contact with Outagamie County to discuss final edits and revisions to the agreements on September 10, 2018, based on questions and clarifications that were requested by Outagamie County.
  - The MOU and 161 Agreement will be ready for formal approval from both the Oneida Business Committee and Outagamie County soon.
- *Brown County Negotiations.*
  - A copy of the proposed 161 Agreement and memorandum of understanding has been provided to Brown County.
  - Discussions and negotiations regarding the matters will be scheduled for the near future.

### *Goals*

In accordance with the approved implementation plan, the 161 Agreement Negotiation Team has the following goals for the next quarter:

- *Outagamie County Negotiations.*
  - Schedule a meeting between leadership in the Nation and leadership in Outagamie County for the final approval and signing of the agreements.
  - The 161 Agreement Negotiation Team is interested in pursuing a formal signing ceremony between the two governments to formally recognize the agreement and the importance of providing support and caring for children and families.
- *Brown County Negotiations.*



- Successfully negotiate and secure a 161 Agreement and memorandum of understanding with Brown County.

**Requested Action**

Accept the Children's Code Quarterly Update.

Determine next steps regarding Oneida Personnel Commission bylaws

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 9 / 26 / 18

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

Review the proposed amendments to the bylaws of the Oneida Personnel Commission and take one of the following actions:  
1. Consider the adoption of the bylaws; or  
2. Defer the bylaws to a Oneida Business Committee work meeting for further review and discussion.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. Bylaws

3. [Empty text box]

2. Legislative Analysis

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David P. Jordan, LOC Chairman

Primary Requestor/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



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



## MEMORANDUM

**TO:** Oneida Business Committee

**FROM:** David Jordan, Council Member, Chair, Legislative Operating Committee

**DATE:** September 21, 2018

**SUBJECT:** Action Regarding Personnel Commission By-Laws

At the September 12, 2018 meeting of the Oneida Business Committee (*OBC*) the following actions were taken.

Motion by Trish King to direct the Legislative Operating Committee to present the by-laws for the Oneida Personnel Commission at the next regular Oneida Business Committee meeting with updated qualifications to address the issue of understanding hearing authorities and responsibilities, seconded by Brandon Stevens. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
 Kirby Metoxen, Ernie Stevens III  
 Not Present: Lisa Summers, Jennifer Webster

Motion by Kirby Metoxen to defer posting the Oneida Personnel Commission vacancies until the updated by-laws are presented and approved by the Oneida Business Committee, seconded by David P. Jordan. Motion carried:

Ayes: Brandon Stevens, Daniel Guzman King, David P. Jordan, Trish King,  
 Kirby Metoxen, Ernie Stevens III  
 Not Present: Lisa Summers, Jennifer Webster

The Legislative Operating Committee (*LOC*) committed to bringing the by-laws forward as directed in order to facilitate the implementation of the General Tribal Council's (*GTC*) directive. However, we also recognized this was an important step and the qualifications for commissioners needed the full engagement of the Oneida Business Committee.

At a retreat on Friday, September 14<sup>th</sup>, the OBC discussed qualifications and set-up of the Oneida Personnel Commission (*OPC*). The Legislative Operating Committee meeting was scheduled the following Wednesday, and agenda review for the OBC meeting was the next day. Integrating all these pieces of information and routing the information for review and discussion by the OBC prior to placing the by-laws on the agenda was not possible. Although the Legislative Reference Office (*LRO*) staff incorporated as much as it could, it is difficult when they are not part of the discussion and decision making so the language accurately reflects the intent.

**Recommended Action: Accept the draft by-laws as information and forward to an Oneida Business Committee work session to finalize and to include the LRO staff in the meeting.**



## Personnel Commission Bylaw Amendments Legislative Analysis

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: OBC Directive	SPONSOR: David P. Jordan	DRAFTER: Kristen M. Hooker	ANALYST: Maureen Perkins
<b>Intent of the Bylaws</b>	The bylaws provide a framework for the operation and management of the commission to govern the standard procedures regarding the way the Commission conducts its affairs, including: the appointment of persons to the Personnel Commission, the membership qualifications, duties and responsibilities of both members and officers, terms and filling vacancies of members, selection of officers, establishment of expectations of members, maintenance of official records, stipends, termination process, required training, and how the bylaws are amended.		
<b>Intent of the Amendments</b>	The current amendments were requested by the OBC in a regularly scheduled OBC meeting. The amendments comply with the requirements established by the amendments contained in the current draft Boards, Committees and Commissions law that states that all bylaws are required to be amended to comply with the draft required amendments and that more information is not prohibited.		
<b>Purpose</b>	Create standardized processes related to how the board will function.		
<b>Affected Legislation</b>	Personnel Policies and Procedures Boards, Committees and Commissions law Open Records and Open Meetings Law Budget Management and Control law		
<b>Enforcement/Due Process</b>	An appointed member of an entity serves at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the entity, a member of an appointed entity may have his or her appointment terminated by the Oneida Business Committee. (a) A two-thirds majority vote of the Oneida Business Committee shall be required in order to terminate the appointment of an individual. (b) The Oneida Business Committee's decision to terminate an appointment is final and not subject to appeal [see O.C. 105-7-4].		
<b>Public Meeting</b>	Public meetings are not required for bylaws.		

### SECTION 2. BACKGROUND

- A. For a thorough history of the Personnel Commission please refer to the resolution entitled Rescission of the Dissolution of the Personnel Commission and Related Emergency Amendments in Accordance with General Tribal Council's August 27, 2018 Directive.
- B. The bylaws comply with current draft changes to the requirements of all bylaws established by the draft amendments to the Boards, Committees and Commissions law [see 105.10-1].

1

2

### SECTION 3. CONTENT OF THE BYLAWS

3

#### ARTICLE I. AUTHORITY

4

1) Name. The Personnel Commission. This meets the requirements of the draft BCC law.

5

2) Establishment. Resolution BC-04-13-90A is listed. This meets the requirements of the draft BCC law.

- 6 3) Authority. The authority section of the draft bylaws contains the authority delegated to the OPC  
7 through the GTC and as established by the laws and policies of the Nation. This meets the requirements  
8 of the draft BCC law.
- 9 4) Office. The P.O. Box of the Personnel Commission is listed. This meets the requirements of the draft  
10 BCC law.
- 11 5) Membership. The number of appointed members and the length of the appointment, the process used  
12 to appoint and the process to fill vacancies [*see draft BCC law, 105.6*] and the qualifications of  
13 membership is listed. A process for resignation is included in the draft bylaws. This meets the  
14 requirements of the draft BCC law. Additional duties and responsibilities are listed [*see Article I-5(e)*].
- 15 a. CHANGES IN THE DRAFT AMENDMENTS FROM CURRENT BYLAWS
- 16 • The number of members was reduced from (12-15) down to (5-12) members [*see*  
17 *Article 5-1(a)*].
  - 18 • A provision was added prohibiting members from being employed by the Nation  
19 [*see Article 5-1(a)*].
  - 20 • A replacement member is now appointed to fulfill the unexpired term [*see Article*  
21 *5-1(a)*]. Previous appointments filling a vacancy served a full term.
  - 22 • A minimum age requirement of twenty-one (21) years of age was established by  
23 the amendments [*see Article 1-5(d)(2)*].
  - 24 • A requirement of having hiring experience, an Associate's Degree, or equivalent  
25 experience or education was established by the amendments [*see Article 1-5(d)(6)*].
  - 26 • Additional duties and responsibilities new to these bylaws include:  
27 1. Both formal and informal communications to any entity on behalf of the  
28 OPC must come from a member of the OPC through OPC directive.  
29 Specific policy governing all communications of the OPC may be set forth  
30 in an OPC Communications SOP to provide procedural guidance,  
31 consistent herewith, on determining when, how, and by which OPC  
32 member(s) communications are made;
  - 33 2. Uphold all laws and policies of the Nation, including but not limited to the  
34 Boards, Committees and Commissions law; and
  - 35 3. Exclusively use the official Oneida e-mail address provided by the Nation  
36 upon appointment to the OPC to conduct business, electronically, on  
37 behalf of the OPC. [*see Article 1-5(e)*].
- 38 6) Termination. Termination occurs according to the draft BCC law at the full discretion of the OBC.  
39 Additional requirements related to terminated members is established. This meets the requirements of  
40 the draft BCC law.
- 41 a. CHANGES IN THE DRAFT AMENDMENTS FROM CURRENT BYLAWS
- 42 • Additional requirements were added related to terminated members. Members  
43 who are terminated will not be able to apply for re-appointment to the Commission  
44 for at least five (5) years following the termination [*see Article I-6(a)*].
- 45 7) Trainings. All required training is listed in this section. This complies with the requirements of the  
46 draft BCC law.
- 47 a. CHANGES IN THE DRAFT AMENDMENTS FROM CURRENT BYLAWS
- 48 • The previous version of the bylaws did not list required training and referred  
49 instead to an OPC Training Plan [*see Article I-7(a)*].

## 51 ARTICLE II. OFFICERS

- 52 1) Chairperson, Vice-Chairperson and Secretary. The establishment of the chairperson, vice-chairperson  
53 and secretary are listed. This meets the requirements of the draft BCC law.
- 54 2) Responsibilities of the Chairperson. The duties and limitations of the chairperson are listed. This  
55 fulfills the requirements of the draft BCC law.

- 56 3) Responsibilities of the Vice-Chairperson. The duties and limitations of the vice-chairperson are listed.  
 57 This fulfills the requirements of the draft BCC law.
- 58 4) Responsibilities of Additional Officers. The duties and limitations of the secretary are listed. This  
 59 fulfills the requirements of the draft BCC law.
- 60 5) Selection of Officers. A description of the process used to select officers was included in the bylaws.  
 61 This fulfills the requirements of the draft BCC law.
- 62 6) Budgetary Sign-Off Authority and Travel. A description of the budgetary sign-off authority and  
 63 travel is included. This fulfills the requirements of the draft BCC law.
- 64 7) Personnel. A description that the Commission are not authorized to hire personnel was included in the  
 65 bylaws. This fulfills the requirements of the draft BCC law.
- 66 a. CHANGES IN THE DRAFT AMENDMENTS FROM CURRENT BYLAWS
- 67 • The treasurer position was removed and treasurer duties were assigned to the secretary  
 68 position.
  - 69 • Additional duties were assigned to the chairperson to include submittal of annual and  
 70 semi-annual reports to GTC and submission of quarterly reports to the OBC [*see*  
 71 *Article II-2-2*].
  - 72 • Additional duties were assigned to the secretary to work with the chairperson to notice  
 73 regular and emergency meetings, act as a custodian of the records, attend to or ensure  
 74 proper attendance to all correspondence and present to the OPC all official  
 75 communications received by the OPC. The Business Committee Support Staff is  
 76 assigned to assist the Secretary with budgetary duties as established by the Budget  
 77 Management and Control law [*see Article II-4(g)*].
  - 78 • The budgetary and sign off authority section is new to these bylaws based on  
 79 requirements in the amended BCC law. Attendance at the Budget Kick-Off Meeting  
 80 is a new requirement and attendance at this will not receive a stipend [*see Article II-*  
 81 *7*].
  - 82 • The Commission are no longer authorized to hire personnel [*see Article II-8*].  
 83

### 84 ARTICLE III. MEETINGS

- 85 1) Regular Meetings. The bylaws identify that the OPC will establish when and where regular meetings  
 86 will occur as well as notice requirements. This fulfills the requirements of the draft BCC law.
- 87 2) Emergency Meetings. The bylaws identify criteria for establishing an emergency meeting. The OPC  
 88 will determine notice requirements. This fulfills the requirements of the draft BCC law.
- 89 3) Joint Meetings. The frequency of joint meetings has been established. The notice requirements will  
 90 be determined by the OPC. This fulfills the requirements of the draft BCC law.
- 91 4) Quorum. Detail related to the establishment of a quorum was included. This fulfills the requirements  
 92 of the draft BCC law.
- 93 5) Order of Business. An order of business for the agenda was included. This fulfills the requirements of  
 94 the draft BCC law.
- 95 6) Voting. Details related to voting requirements was included. This fulfills the requirements of the draft  
 96 BCC law.
- 97 a. CHANGES IN THE DRAFT AMENDMENTS FROM CURRENT BYLAWS
- 98 i. The requirement to establish a schedule of meetings for the upcoming year was  
 99 removed in these amendments.
  - 100 ii. Special meetings were removed, and joint meetings were added to the bylaws in  
 101 accordance with the draft BCC law [*see 105.10-3(c)*].
  - 102 iii. The requirement of a chair or vice-chair to establish a quorum was established by  
 103 these amendments [*see Article III-4*]. Previously the commission was able to elect



- 104 a chairperson Pro Tem to preside over the meeting in the case that the chair or vice  
105 chair were not available.
- 106 iv. A roll call was added to the order of business and approval of the agenda,  
107 correspondence, and other sections were removed [see Article III-5].
- 108 v. Legislative sessions were removed from the current draft bylaws.
- 109 vi. The use of e-polls was added to the bylaws [see Article III-6(b)]. The requirements  
110 for e-polls is included in the draft BCC law [see 105.11].

111

112 **ARTICLE IV. EXPECTATIONS**

- 113 1) Behavior of Members. Behavioral expectations and enforcement of these requirements were included.  
114 This fulfills the requirements of the draft BCC law.
- 115 2) Prohibition of Violence. Prohibition of violence during a meeting or while serving in an official capacity  
116 was established. This fulfills the requirements of the draft BCC law.
- 117 3) Drug and Alcohol Use. Prohibition of the use of drugs or alcohol while acting in official capacity was  
118 included. This fulfills the requirements of the draft BCC law.
- 119 4) Social Media. Requirements and standards related to the use social media related to OPC business or  
120 activities were included. This fulfills the requirements of the draft BCC law.
- 121 5) Conflict of Interest. Submission of a conflict of interest form upon oath of office and annually was  
122 included. This fulfills the requirements of the draft BCC law.

123 i. CHANGES IN THE DRAFT AMENDMENTS FROM CURRENT BYLAWS

- 124 • This entire section is a new requirement added to these bylaws based on the  
125 requirements established in the draft BCC law.

126 **ARTICLE V. STIPENDS AND COMPENSATION**

- 127 1) Stipends. A comprehensive list of stipends was included in the bylaws. Requirements related to  
128 receiving stipends defaults to the draft BBC law. This fulfills the requirements of the draft BCC law.
- 129 2) Compensation. Establishment that OPC members are not eligible for any other type of compensation  
130 is included. This fulfills the requirements of the draft BCC law.

131 **ARTICLE VI. RECORDS AND REPORTING**

- 132 1) Agenda Items. Consistent format requirements for agendas are identified. This fulfills the  
133 requirements of the draft BCC law.
- 134 2) Minutes. Consistent formatting requirements and submittal deadline is identified. This fulfills the  
135 requirements of the draft BCC law.
- 136 3) Attachments. Identification of how records of attachments are kept is identified. This fulfills the  
137 requirements of the draft BCC law.
- 138 4) Oneida Business Committee Liaison. Regular communication liaison communication requirement is  
139 established. The frequency and method of communication will be mutually established by the OPC  
140 and the OBC Liaison. This fulfills the requirements of the draft BCC law.
- 141 5) Audio Recordings. The requirements of audio recordings is established. This fulfills the requirements  
142 of the draft BCC law.

143 **ARTICLE VII. AMENDMENTS**

- 144 1) Amendments of Bylaws. The process required for the amendment of the bylaws is established. This  
145 fulfills the requirements of the draft BCC law.

146

147

148

149 **SECTION III. AFFECTED LEGISLATION**150 **A) Personnel Policies and Procedures**

- 151 a. Oneida Personnel Commission members are required to have, and undergo periodic re-training in,  
152 Equal Employment Opportunity, Tribal laws, rules and regulations [*see PPP, (B)Hiring Procedure,*  
153 *(1) Statement of Policy (d)*].
- 154 b. The Oneida Personnel Commission is tasked with representing the Oneida Community-at-large in  
155 the selection of tribal employees. They are directed to seek out the best-matched applicants for each  
156 position and to consider only job-related factors (such as education, experience, past performance,  
157 skills and abilities, and compatibility with the position and potential co-workers) when selecting  
158 candidates [*see PPP, (B)Hiring Procedure, (2) Hiring Procedures, (b) Personnel Commission Role*].
- 159 c. Oneida Personal Commission is part of the Screening Committee that also includes the hiring  
160 supervisor, HRD Manager or designee, and the Area Manager at their discretion. Responsibilities  
161 include verification that applications are complete, analysis of job descriptions to establish screening  
162 criteria, screening verified applicants, and recommending a list of applicants to be interviewed [*see*  
163 *PPP, (B)Hiring Procedure, (2) Hiring Procedures, (f) Screening Applicants*].
- 164 d. Two members of the Oneida Personnel Commission will sit on the Interview Committee which is  
165 responsible to construct interview format consisting of questions related to the screening criteria  
166 qualifications and an interview rating scale designed to objectively evaluate each candidate's  
167 qualifications, interview candidates and evaluate individually [*see PPP, (B)Hiring Procedure, (2)*  
168 *Hiring Procedures, (g) Candidate Interviews*].
- 169 e. The Oneida Personnel Commission is designated with hearing body authority related to personnel  
170 grievances which only occur after the process detailed in the PPP are exhausted and if the decision  
171 of the Area Manager is against the weight of the evidence presented or if there were procedural  
172 irregularities that were exhibited during the appeal process that may have been harmful to one or  
173 more of the parties [*see PPP, (D) Complaints, Disciplinary Actions, and Grievances, (6) Grievance,*  
174 *(b) Appeal to Oneida Personnel Commission*].

175

176 **B. Boards, Committees and Commissions law [see O.C. Chapter 105]**

- 177 a. This law sets out all requirements related to all Boards, Committees and Commissions of the Nation.  
178 The Personnel Commission is an appointed entity that serves at the discretion of the Oneida Business  
179 Committee. The requirements for entity bylaws are contained in this law. The OPC bylaws comply  
180 with the amended version of the Boards, Committees and Commissions law adopted by the Oneida  
181 Business Committee on September 26, 2018 [*see O.C. Chapter 105, Boards, Committees and*  
182 *Commissions*].

183

184 **C. Open Records and Open Meetings Law [see O.C. Chapter 107]**

- 185 a. Portions of the Personnel Commission meetings would be considered closed meeting sessions due to  
186 the exception in this law related to personnel matters being confidential [*see 107.17, O.C. Chapter*  
187 *107, Open Records and Open Meetings Law*].

188

189 **D. Budget Management and Control law [see O.C. Chapter 121]**

- 190 a. The Oneida Personnel Commission is considered a fund unit of the Nation under this law. The  
191 Secretary of the OPC will work with the Business Committee Support Office staff to complete the  
192 requirements of the Commission related to the Budget Management and Control law. The OPC  
193 Commission Members will be required to attend budget meetings as directed by the OBC and will  
194 not receive compensation for this meeting attendance.

195

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1

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## ONEIDA PERSONNEL COMMISSION BY-LAWS

2

3 **Article I. Authority**

4 1-1. *Name.* The name of this entity shall be the Oneida Personnel Commission, and may  
5 be referred to as the OPC.  
6

7 1-2. *Establishment.* The OPC was created by the General Tribal Council as the Personnel  
8 Selection Committee and renamed the Personnel Commission by the  
9 Oneida Business Committee through resolution BC 04-13-90-A. The  
10 Oneida Business Committee dissolved the Personnel Commission on April  
11 11, 2018 through resolution BC-04-11-18-A. On August 27, 2018, the  
12 General Tribal Council rescinded the dissolution of the Personnel  
13 Commission and the OPC was recreated by the Oneida Business  
14 Committee through resolution BC -\_\_-\_\_-\_\_-\_\_.

15  
16 1-3. *Authority.* The OPC was created by the General Tribal Council to protect against  
17 issues of nepotism, enforce Oneida and Indian preference, and carry out  
18 authorities delegated by the laws of Nation.

19 (a) The OPC does not have authority to:  
20 (1) enter into contracts; or  
21 (2) create policy or legislative rules.  
22

23 1-4. *Office.* The official mailing address of the OPC shall be:  
24 Oneida Personnel Commission  
25 P.O. Box 365  
26 Oneida, WI 54155  
27

28 1-5. *Membership.*  
29 (a) *Number of Members.* The OPC shall be made up of no less than five (5)  
30 members and no more than twelve (12) members.

31 (1) Each member shall hold office until his or her term expires, until his  
32 or her resignation, or until his or her appointment is terminated in  
33 accordance with the Boards, Committees and Commissions law.

34 (b) *Appointment.* Each member shall be appointed in accordance with the  
35 Boards, Committees and Commissions law to serve a five (5) year term.  
36 The first term shall be staggered with three (3) members receiving a two (2)  
37 year term; three (3) members receiving a three (3) year term; three (3)  
38 members receiving a four (4) year term and three (3) members receiving a  
39 five (5) year term. Each appointment after the initial staggered terms shall  
40 receive a five (5) year term.

41 (c) *Vacancies.*  
42 (1) *Filling of Vacancies.* Vacancies shall be filled in accordance with  
43 the Boards, Committees and Commissions law.

44 (2) *Resignation.* A member may resign at any time verbally at a  
45 meeting or by delivering written notice to the Oneida Business

46 Committee Support Office and the OPC Chairperson or his/her  
47 designee.

48 (A) *Effective Date of Resignation.* A resignation is effective  
49 upon acceptance by motion of a member's verbal resignation  
50 or upon delivery of the written notices.

51 (3) *Terms of Replacement Member.* A replacement member shall hold  
52 office through the unexpired portion of the term of the member  
53 whom he or she has replaced.

54 (A) A replacement member is defined as a member who fills a  
55 vacancy caused by resignation, removal or termination.

56 (d) *Qualifications.* OPC members shall meet the following qualifications:

57 (1) Be an enrolled member of the Oneida Nation;

58 (2) Be at least twenty-one (21) years of age;

59 (3) Shall not be an employee of the Nation;

60 (4) Be available for meetings, training, interviews, prescreening,  
61 reassignments, grievance hearings and other duties as needed.  
62 Three (3) unexcused absences to attend to such duties may be  
63 reported to the Oneida Business Committee, if deemed appropriate  
64 by the OPC, for termination;

65 (5) Be free of any and all direct conflicts of interest or appearances of  
66 conflict as defined under various laws and policies of the Nation,  
67 including but not limited to the oath of office, the Oneida Rules of  
68 Civil Procedure, the Oneida Personnel Policies and Procedures and  
69 other laws/policies regarding employment, the Code of Ethics, and  
70 the Boards, Committees and Commissions law; and

71 (6) Have hiring experience, an Associate's Degree, or equivalent  
72 experience or education.

73 (e) *Duties and Responsibilities:* OPC members shall abide by the following:

74 (1) Both formal and informal communications to any entity on behalf  
75 of the OPC must come from a member of the OPC through OPC  
76 directive. Specific policy governing all communications of the OPC  
77 may be set forth in an OPC Communications SOP to provide  
78 procedural guidance, consistent herewith, on determining when,  
79 how, and by which OPC member(s) communications are made;

80 (2) Uphold all laws and policies of the Nation, including but not limited  
81 to the Boards, Committees and Commissions law; and

82 (3) Exclusively use the official Oneida e-mail address provided by the  
83 Nation upon appointment to the OPC to conduct business,  
84 electronically, on behalf of the OPC.

85  
86 1-6. *Termination.* An OPC member's appointment may be terminated in accordance  
87 with the Boards, Committees and Commissions law.

88 (a) Any member whose appointment is terminated by the Oneida  
89 Business Committee shall not be eligible for re-appointment to the  
90 OPC for a minimum of five (5) years following his or her  
91 termination.

- 92  
 93 1-7. *Trainings.*  
 94 (a) OPC members must complete the following training prior to  
 95 participating in any interviews and/or grievance hearings on behalf  
 96 of the OPC.  
 97 (1) EEO training;  
 98 (2) Training on Tribal laws, rules and regulations;  
 99 (3) Supervisor training as required by the Human Resources  
 100 Department;  
 101 (4) Training from the Judiciary on grievance hearings/grievance  
 102 process; and  
 103 (5) Any other internal training deemed appropriate by the Oneida  
 104 Business Committee.  
 105 (b) OPC members will undergo periodic re-training in EEO and Tribal  
 106 laws, rules and regulations.  
 107 (c) Completion of all training shall be confirmed by receipt  
 108 of a certificate or some other written documentation and kept on file  
 109 with the OPC.  
 110

## 111 **Article II. Officers**

- 112 2-1. *Officers.* There shall be a Chairperson, a Vice-Chairperson and a Secretary.  
 113  
 114 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the  
 115 Chairperson are as follows:  
 116 (a) Shall preside over all meetings of the OPC;  
 117 (b) Shall be an member of all subcommittees of the OPC, may call emergency  
 118 meetings, and keep the OPC informed as to the business of the OPC;  
 119 (c) Shall, with the assistance of the Secretary, submit annual and semi-annual  
 120 reports to the General Tribal Council as required by the Boards, Committees  
 121 and Commissions law;  
 122 (d) Shall, with the assistance of the Secretary, submit quarterly reports to the  
 123 Oneida Business Committee as required by the Boards, Committees and  
 124 Commissions law; and  
 125 (e) Shall, with the assistance of the Secretary, forward notice of meeting  
 126 location, agenda and materials in the manner prescribed herein.  
 127  
 128 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of  
 129 the Vice-Chairperson are as follows:  
 130 (a) In the absence of the Chairperson, shall conduct meetings of the OPC and  
 131 appoint a temporary Vice-Chairperson for those meetings; and  
 132 (b) Shall work with the Chairperson in all matters that concern the OPC.  
 133  
 134 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
 135 Secretary are as follows:  
 136 (a) Shall keep accurate minutes and/or assure that accurate minutes are kept of  
 137 all OPC meetings as required by the Boards, Committees and Commissions

- 138 law and as further prescribed herein;  
 139 (b) Along with the Chairperson, shall provide notice of regular, joint and  
 140 emergency meetings, as well as agendas and materials, in the manner  
 141 prescribed herein;  
 142 (c) Shall act as custodian of the records;  
 143 (d) Shall attend to, or ensure proper attendance to, all correspondence and  
 144 present to the OPC all official communications received by the OPC;  
 145 (e) Shall, along with the Chairperson, submit annual and semi-annual reports  
 146 to the General Tribal Council, as well as quarterly reports to the Oneida  
 147 Business Committee as required by the Boards, Committees and  
 148 Commissions law; and  
 149 (g) Shall work with the Business Committee Support Office to administer the  
 150 budget.  
 151

152 2-5. *Standing and Special Committees.* Standing and special committees may be created when  
 153 deemed necessary by the OPC. In accordance with the Boards, Committees  
 154 and Commissions law, OPC members who attend any meetings of a  
 155 standing or special committee shall not be eligible to receive a stipend for  
 156 their attendance.  
 157

158 2-6. *Selection of Officers.* Officers of the OPC shall be appointed by the OPC for two (2) year  
 159 terms. Officers may hold only one (1) officer position.  
 160 (a) Each officer shall hold his or her office until:  
 161 (1) the member resigns; or  
 162 (2) the member has his or her appointment terminated in the manner set  
 163 forth in the Boards, Committees and Commissions law.  
 164 (b) A vacancy of any officer position shall be filled by the OPC for the  
 165 unexpired term at the next regular or emergency meeting.  
 166

167 2-7. *Budgetary Sign-Off Authority and Travel.*

- 168 (a) Two (2) of the three (3) OPC Officers must sign-off on budgetary requests.  
 169 (b) The OPC shall follow the Nation's policies and procedures regarding  
 170 purchasing, travel and sign-off authority.  
 171 (c) The OPC shall approve a member's request to travel on behalf of the OPC  
 172 by a majority vote at a regular or emergency OPC meeting.  
 173 (d) The OPC must review its budget on a monthly basis and have one or more  
 174 members in attendance at the Budget Kick-Off Meeting.  
 175

176 2-8. *No Authorized Personnel.* With support from the Business Committee Support Office, the  
 177 Judiciary shall assist the OPC with administrative duties relating to the  
 178 grievance process/grievance hearings and the Human Resources  
 179 Department shall assist the OPC with administrative duties relating to  
 180 employee selection/hiring.  
 181  
 182

### 183 Article III. Meetings



- 184 3-1. *Regular Meetings.* Regular meetings shall occur on a monthly-basis. The regular meeting  
185 time, place and agenda shall be determined by the OPC at a regular meeting.  
186 If no alternative designation is made by the OPC, the regular  
187 meeting shall be the last Tuesday of every month. Notice of meeting  
188 location, agenda and materials shall be forwarded by the Chairperson with  
189 the assistance of the Secretary. Meetings shall run in accordance with  
190 Robert's Rules of Order or another method approved by the Oneida  
191 Business Committee. Meetings shall comply with the Nation's Open  
192 Records and Open Meetings law.  
193
- 194 3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues  
195 require immediate action. Emergency meetings of the OPC may be called  
196 by the Chairperson or upon written request of any two (2) members. Notice  
197 of the meeting location, agenda and materials shall be forwarded by the  
198 Chairperson with the assistance of the Secretary.  
199 (a) Within seventy-two (72) hours after an emergency meeting, the entity shall  
200 provide the Nation's Secretary with notice of the meeting, the reason for the  
201 emergency meeting, and an explanation of why the matter could not wait  
202 for a regular meeting.  
203
- 204 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held in March  
205 and September of each year. Notice of the meeting location, agenda and  
206 materials shall be forwarded by the Chairperson with the assistance of the  
207 Secretary.  
208
- 209 3-4. *Quorum.* A majority of the OPC members shall constitute a quorum for the  
210 transaction of business, which shall include the Chairperson or Vice-  
211 Chairperson.  
212
- 213 3-5. *Order of Business.* The regular meetings of the OPC shall follow the order of business as  
214 set out herein:  
215 (a) Call to Order  
216 (b) Roll Call  
217 (c) Approving of Previous Meeting Minutes  
218 (d) Reports  
219 (e) Old Business  
220 (f) New Business  
221 (g) Adjournment  
222
- 223 3-6. *Voting.* Voting shall be in accordance with the simple majority vote of the OPC  
224 members present at a duly called meeting.  
225 (a) The Chairperson shall vote only in case of a tie.  
226 (b) The OPC is permitted to e-poll; provided, it does so in accordance with the  
227 procedures set forth in the Boards, Committees and Commissions law.  
228

## 229 **Article IV. Expectations**

- 230 4-1. *Behavior of Members.* Members are expected to treat each other in accordance with  
 231 the Nation's core values of The Good Mind as expressed by Onlayote'a'ka,  
 232 which includes:  
 233 (a) Kahletsyalúsla. The heart felt encouragement of the best in each of us.  
 234 (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.  
 235 (c) Ka'nikuhli'yó. The openness of the good spirit and mind.  
 236 (d) Ka'tshatstásla. The strength of belief and vision as a People.  
 237 (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our  
 238 future.  
 239 (f) TwahwahtsílalayΛ. All of us are family.  
 240 (g) YukwatsístayΛ. Our fire, our spirit within each one of us.

241  
 242 Failure to treat each other with respect shall be cause for termination from  
 243 the OPC. Appointed members of the OPC serve at the discretion of the  
 244 Oneida Business Committee. Upon the recommendation of a member of  
 245 the Oneida Business Committee or the OPC, a member of the OPC may  
 246 have his or her appointment terminated by the Oneida Business Committee.  
 247

- 248 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the OPC that  
 249 inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm  
 250 on another person, or damage to property during a meeting or when acting  
 251 in an official capacity are strictly prohibited and grounds for immediate  
 252 termination of appointment on the OPC and/or the imposition of sanctions  
 253 and/or penalties according to laws and policies of the Nation.  
 254

- 255 4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by a member of the OPC when  
 256 acting in his or her official capacity is strictly prohibited. Prohibited drugs  
 257 are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine  
 258 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other  
 259 substance included in Schedules I through V, as defined by Section 812 of  
 260 Title 21 of the United States Code. This also includes prescription  
 261 medication or over-the-counter medicine used in an unauthorized or  
 262 unlawful manner.  
 263

- 264 4-4. *Social Media.* OPC members shall abide by the Nation's Social Media Policy. OPC  
 265 members shall further refrain from posting, attaching or writing anything  
 266 relating to OPC business or activities on any social media outlet except for  
 267 notices of meetings and notices of meeting cancellations.  
 268

- 269 4-5. *Conflict of Interest.* OPC members shall abide by all laws of the Nation governing conflicts  
 270 of interest. Members must submit a Conflict of Interest Disclosure form  
 271 upon Oath of Office and annually.  
 272

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

- 274 5-1. *Stipends.* OPC members are eligible for the following stipends as set forth in the  
 275 Boards, Committees and Commissions law and resolution BC-\_\_-\_\_-\_\_-\_\_

- 276 titled Boards, Committee and Commissions Law Stipends:  
 277 (a) One (1) monthly meeting stipend.  
 278 (b) One (1) stipend per day for participating in interviews and/or job description  
 279 pre-screens conducted by the Human Resources Department.  
 280 (c) Stipends for holding grievance hearings.  
 281 (d) Stipends for Judiciary hearings.  
 282 (i) A member of the OPC may receive a stipend for attending an  
 283 Oneida Judiciary hearing if that member is specifically subpoenaed.  
 284 (e) Required training offered by the Nation as established by the Oneida  
 285 Business Committee.  
 286 (f) A member shall receive a stipend for his or her attendance at a duly called  
 287 joint meeting as defined under the Boards, Committees, and Commissions  
 288 law.  
 289

290 5-2. *Compensation.* OPC members are not eligible for any other type of compensation.  
 291

292

## Article VI. Records and Reporting

293 6-1. *Agenda Items.* Agendas shall be maintained in a consistent format as identified in Article  
 294 III, Section 3-5 of these By-laws.  
 295

296

296 6-2. *Minutes.* All minutes shall be typed in a consistent format and shall be submitted to  
 297 the Oneida Business Committee Support Office within thirty (30) days after  
 298 approval by the OPC.  
 299

300

300 6-3. *Attachments.* Handouts, attachments, memoranda, etc. shall be attached to the  
 301 corresponding minutes and the agenda, minutes and attachments shall be  
 302 kept electronically by the Oneida Business Committee Support Office.  
 303

304

304 6-4. *Oneida Business Committee Liaison.* The OPC shall regularly communicate with the  
 305 Oneida Business Committee member who is their designated liaison. The  
 306 frequency and method of communication shall be agreed upon by the OPC  
 307 and the Liaison.  
 308

309

309 6-5. *Audio Recordings.* The OPC shall audio record meetings and submit the recordings to  
 310 the Oneida Business Committee Support Office within two (2) business  
 311 days for purposes of maintaining the audio records.

312

- (a) Audio recordings of executive session portions of a meeting is not required.  
 313

314

## Article VII. Amendments

315 7-1. *Amendments to By-laws.* Any amendments to these By-laws shall conform to the  
 316 requirements of the Boards, Committees and Commissions law and any  
 317 other policy of the Nation. Amendments to these By-laws shall be approved  
 318 by the Oneida Business Committee prior to implementation.

Defer the Standard Operating Procedure to the October 10, 2018, regular meeting. **Oneida Business Committee Agenda Request**

1. Meeting Date Requested: 9 / 26 / 18

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Unfinished Business

Accept as Information only

Action - please describe:

Request to defer to the next OBC regular meeting.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Treasurer

Primary Requestor/Submitter: Trish King  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

EXCERPT FROM MAY 23, 2018: Motion by Lisa Summers to ask the Treasurer's Office to develop and comeback within three (3) months with a Standard Operating Procedure which identifies all of the necessary components on how to make special budget requests of this nature for projects in the future, seconded by Jennifer Webster. Motion carried unanimously.

FYI: This motion was a follow up regarding the request to set aside 50K per year for the 200 year celebration.

Unfortunately this request was not completed in this timeframe due to budget planning, therefore I am requesting a deferral to the 10/10/18 OBC meeting.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

Approve travel report – Councilman Daniel Guzman King – Oneida Language Conference – Oneidato  
**Oneida Business Committee Agenda Request**

1. Meeting Date Requested: 09 / 26 / 18

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to approve Councilman Guzman-King's travel report re: Oneida of the Thames Language Summit, Oneidatown, Ontario June 3-6, 2018

3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Fawn Billie, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Daniel Guzman King  
**Travel Event:** Oneida of the Thames Language Summit  
**Travel Location:** Oneidatown, Ontario  
**Departure Date:** 06/03/2018      **Return Date:** 06/06/2018  
**Projected Cost:** \$900      **Actual Cost:** \$513.02  
**Date Travel was Approved by OBC:** 05/23/2018

## Narrative/Background:

The Conference was entitled: *"Putting Our Minds Together"* with an overall theme of collaboration by combining our resources to strengthen and sustain our Oneida language. Delegates from Oneida, New York and Oneida, Wisconsin were in attendance.

This conference gave the Oneida people the opportunity to engage in language sustainability planning that is grounded in Oneida ways of knowing and being. The Oneida philosophies and collective intellect are rooted in the language. It is both an act of empowerment and of healing, to find ways to emancipate our language and culture so that we will thrive again as a healthy Oneida Nation.

The first day of the conference we met everyone in attendance by doing a handshake ceremony and introduced ourselves to one another utilizing the language. We then did an overview of each others programs and discussed what each other we doing around the language. It was good to compare and contrast each other's programs; and to share ideas on how to more effectively promote and teach the language.

The Kahnawa:ke Mohawk community presented their five year comprehensive Community Language Plan which was very thorough. It is a great example and tool to utilize in the formation of our own comprehensive Oneida Language Plan.

We discussed how we can better collaborate as a whole, all three Oneida communities, around the language. We talked about the possibility of forming a Oneida Language

Commission with representatives from each community to keep us all on the same page and speaking the same language.

By the end of the second day we had a work session with first language speakers and created new Oneida translations for English words and phrases.

**Item(s) Requiring Attention:**

The development of a comprehensive Oneida Language Plan to implement and be budgeted for.

**Requested Action:**

Motion to accept the travel report.

**Twatya'taló:lok Khále' Tłtwatł'nikulayéste' *Let's Gather and Put Our Minds Together***  
**Oneida Language Conference – June 4 & 5, 2018**

### Conference Abstract

#### Location/Duration:

The Oneida Nation of the Thames/ Oneida Language & Cultural Centre is hosting a two day Oneida Language Conference in Oneidatown Ontario at the Oneida Community Centre, 2017 Ball Park Rd. on Monday June 4<sup>th</sup> and Tuesday June 5<sup>th</sup>, 2018.

#### Conference Theme

The Conference is entitled: *Putting Our Minds Together* with an overall theme of collaboration by combining our resources to strengthen and sustain our Oneida language. Delegates from Oneida New York and Oneida Wisconsin are expected to attend.

#### Why Conference Now?

Prime Minister Justin Trudeau announced to the AFN Chiefs in Assembly in December of 2016, his government's intention to develop, in partnership with them, Canada's first Indigenous Languages Act. The Premier of Ontario Kathleen Wynne in the Legislature (May, 2016) has cited a new framework entitled: *Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples* with a commitment of up to \$30 Million dollars over three years in the Indigenous Culture Sector. It may be prudent to position ourselves with a strong revitalization plan should these promises actually come to fruition.

Aside from the promises of the settler government, this conference will give the Oneida people the opportunity to engage in language sustainability planning that is grounded in Oneida ways of knowing and being. The Oneida philosophies and collective intellect are rooted in the language. It will be both an act of empowerment and of healing, to find ways to emancipate our language and culture so that we will thrive again as a healthy Oneida Nation.

#### Draft Conference Agenda

##### Day One:

Welcome the travellers ceremony. The Opening and the Handshake.

Welcoming remarks from Chief Randall Phillips

Short Keynote Address – speaker to be determined.

Each group attending will have opportunities to present an overview of their programming efforts that support Oneida language learning, recovery and stabilization, with 'live' demonstrations and Q & A's.

A hot lunch buffet will be catered.

Afternoon session to continue with presentations and discussion.



Session will wrap up with a turkey dinner and free evening and/OR an option to stay and have a social if anyone wants to jam out.

**Day 2:**

is devoted to issues arising from Day 1 discussions and next steps e.g. resource sharing, planning for a summer language retreat, creating new words together, organizing into a language family commission, apps etc.

Hot lunch buffet provided

Oneida leadership is being asked to participate and present their commitments, their engagement strategies, their expectations, their outcomes and their 'planning metrics'. They are being asked also, how they hope to collaborate/engage and move forward with stakeholders and partners in bringing about an Oneida speaking community. Where do we go from here?

Dismiss at 4:00 pm

**At the end of this second day, *Putting Our Minds Together* Conference attendees will have had the opportunity to:**

- Collaborate on program ideas and networking;
- be aware of what other oneida language groups are working on;
- build a sense of how groups could assist each another;
- establish common goals and practices;
- to arrive at a concensus in the creation of new words.

***Leadership and Guests Invited to Present are:***

*(Invitations are going out to)*

*The Honourable Isadore Day, Chiefs of Ontario, Regional Chief and their Indigenous Language Leads*

*Honourable Mélanie Joly, Minister of Canadian Heritage and her Parliamentary Secretary, the Honourable Arif Virani*

*Honourable Carolyn Bennett, Minister of Indigenous Affairs and Northern Development and her Parliamentary Secretary who is taking the lead on the Indigenous Languages Act.*

*Ontario Government: Ministry of Education's Indigenous Education Secretariate, leads on "The Journey Together" framework, (May 2016) and the Liberal Promise of Actions to support Ontario Indigenous Languages.*

*Oneida Clan Mothers*

*Grand Chief Joel Abram, Association of Iroquois & Allied Indians*

*Chief Randall Phillips, Oneida Nation of the Thames Elected Council*

*Karen Sandy, Six Nations Language Commissioner.*

### Oneida Business Committee Agenda Request

Approve travel report - Chairman Tehassi Hill - Representation in Thames for the passing of Bob Antone

1. Meeting Date Requested: 09 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept travel report - Funeral for Thames community leader Bob Antone, December 9-13, 2017.

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Danelle Wilson, Chairman's Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Tehassi Hill  
**Travel Event:** Representation in Thames for the passing of Bob Antone  
**Travel Location:** Thames, Ontario  
**Departure Date:** 12/09/2017      **Return Date:** 12/13/2017  
**Projected Cost:** Enter Cost      **Actual Cost:** \$1,223.08  
**Date Travel was Approved by OBC:** 12/09/2017

**Narrative/Background:**

The travel was requested by Chairman Hill to travel to Thames, Ontario to honor Thames community leader, Bob Antone, who passed away on December 8, 2017. Mr. Antone was not only a community leader but the Chairperson for the Haudenosaunee External Relations Committee. Mr. Antone traveled worldwide, meeting with various world leaders to help the plight of the Haudenosaunee. Travel expenses covered gas, lodging, and per diem.

**Item(s) Requiring Attention:**

[Click here to enter text.](#)

**Requested Action:**

Accept travel report

### Oneida Business Committee Agenda Request

Approve travel report – Chairman Tehassi Hill – 2018 Nation Indian Gaming Association (NIGA) Trade

1. Meeting Date Requested: 09 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept travel report - National Indian Gaming Association Conference, April 16-21, 2018, Las Vegas, NV.

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Danelle Wilson, Chairman's Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

- 1) Save a copy of this form for your records.
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- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Tehassi Hill

**Travel Event:** National Indian Gaming Conference

**Travel Location:** Las Vegas, NV

**Departure Date:** 04/16/2018      **Return Date:** 04/21/2018

**Projected Cost:** \$2,712.00      **Actual Cost:** \$2,716.70

**Date Travel was Approved by OBC:** 02/14/2018

## Narrative/Background:

I attended the National Indian Gaming Conference primarily to get up to speed on sports betting. I attended sessions that explained the position of the NFL, and NBA as it related to the Supreme court ruling that struck down the long standing law. The information was helpful to our team evaluating our options.

I also attended a session on Esports. This session was also very informative and showed the great growth in this area over the last five years. Esports tournaments have been great draws for millennials - this demographic will likely change the face of gaming in the some what near future.

Among other sessions, I also attended a session on Master planning and development. This session focused on two successful Northwest Tribes, and showcased their developments, diversifications, successes, and what to watch out for when developing.

## Item(s) Requiring Attention:

## Requested Action:

Accept travel report

### Oneida Business Committee Agenda Request

Approve William Cornelius attorney contract – file # 2018-0099

1. Meeting Date Requested: 09 / 26 / 18

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to approve the OGC Legal Counsel Contract #2018-0099 w/ Atty William Cornelius

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Matthew W. Denny, Chairman Oneida Gaming Commission  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Contract start date is October 1, 2018. COI requested in legal review has been completed and forwarded to the Law the Office.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



**ONEIDA LAW OFFICE****CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT**

TO: Shannon Davis  
Gaming Commission

*Use this number on future correspondence:*

**2018-1099**

FROM: Jo Anne House, Chief Counsel

DATE: September 12, 2018

RE: William T. Cornelius-Special Council Legal  
Services Agreement

Purchasing Department Use

\_\_\_\_\_ **Contract Approved**

\_\_\_\_\_ **Contract Not Approved**

*(see attached explanation)*

*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

Special Counsel Legal Services Agreement

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*

NOTE: Please have vendor fill out the Conflict of Interest Form and submit to this office.

Building Lease

- ✓ The Building Lease attached to the services agreement is not approved. An existing agreement for this same period was reviewed under contract # 2018-0405. Confirm that the contract was not entered into prior to submitting the Building Lease agreement under a separate contract review request.



## SPECIAL COUNCIL LEGAL SERVICES AGREEMENT

This Agreement is made and entered into on this date day of month, year between the Oneida Tribal Gaming Commission (Commission) and Attorney William Cornelius (Attorney), PO Box 268, Oneida, Wisconsin, 54155 for services rendered from October 1, 2018 until September 30, 2019

1. **Term.** The Commission retains Attorney commencing upon approval date by the Oneida Business Committee
  - A. **Renewal:** The contract herein will not be automatically renewed as it expires. A new contract will be written and reviewed within 90 (Ninety) day prior to expiration of said contract. The Nation's contract review and approval process will be followed.
2. **Scope of Service.** The Commission desires that the Attorney provide legal services when requested to the Commission in its role of fulfilling its gaming regulatory responsibilities. Attorney shall provide reports and assignments on gaming regulatory matters as may be requested by the Commission. All work by the Attorney shall be under the direction of the Commission. Attorney agrees to comply with and submit in a timely manner all responses needed in regard to the Oneida Tribe's auditing requirements.
3. **Compensation.** In Consideration of services rendered, the Attorney shall provide the Commission at the end of the month an invoice of services provided not to exceed \$6,000 for legal fees, at which point the Attorney shall be paid. Any time exceeding the \$6,000 shall be donated time to the Commission. The Attorney shall provide legal services at \$125/per hour.
  - A. **Monthly Invoices:** All monthly invoices shall be submitted to the OGC Chair and Administrative staff no later than the 7<sup>th</sup> business day of the next month.
4. **Expenses.** The Commission shall be responsible for travel expenses approved in advance by the Commission including, but not limited to airfare, lodging, food, telecommunication costs, taxi fares, car rentals, copying, etc., as related to the approved travel. All travel reimbursement shall follow the same guidelines as the Oneida Tribe of Wisconsin.
  - A. **Expense Receipts:** All expenses incurred for travel on behalf of the Oneida Gaming Commission shall be submitted each month at the time the monthly invoice is submitted. All expenses need to include receipts or there will not be any reimbursement of costs.
5. **Rent/Space Agreement.** The Attorney agrees to pay a monthly fee of \$50 (fifty) or an annual payment of \$600 (six hundred) for office space per lease agreement.
  - A. **Rent Payment:** Check and/or Money Order should be made out to the Oneida Gaming Commission. If paying monthly, payment will be due at the time the monthly invoice is submitted. If paying annually, payment will be due by October 15th.

6. **Primary Responsibility Party.** The Commission and Attorney agree that William T. Cornelius shall have primary responsibility for the work performed under this Agreement. This shall not preclude Attorney from seeking and using additional attorneys for which Attorney shall be solely responsible for all costs.
7. **Confidentiality.** The Attorney agrees to keep all work under the Agreement confidential and shall not discuss these matters with any third party without the consent of the Commission.
8. **Work Product.** The Attorney will assist in the development of all appropriate regulations and policies to meet the requirement of the Oneida Nation Gaming Ordinance (ONGO). The Attorney shall also provide legal reviews and advice as requested. The Attorney shall provide documents to the Commission at periodic work sessions to review draft and final work products, including travel reports. The work product under this Agreement is the express property of the Commission unless otherwise agree to by the parties in writing. The Attorney shall not utilize any of the reports, or any drafts of the reports, or any material gathered for the Commission for their own personal or professional use without the written express consent of the Commission.
9. **Amendments.** This Agreement may only be amended with the written consent of both parties.
10. **Termination & Disagreements.** This Agreement may be terminated by either party, with or without cause upon 30 (thirty) day notice. Any disagreements in regard to said termination or other issues concerning this Agreement shall be resolved within the jurisdiction of the Oneida Tribe. In the event of a Termination of this Contract, the Attorney shall be paid for the work performed for the Commission up to the point of said termination.
11. **Bar Association.** The Attorney stipulates that he is a licensed member in good standing of the State Bar of Wisconsin, member #1050413, and to the best of his knowledge, no disciplinary proceedings are instituted against him by any bar association in any jurisdiction of the United States or its territories which bar pending and/or unresolved and that he has not been and is not disbarred from practice of law in any jurisdiction of the United States or its territories.
12. **Entire Agreement.** This Agreement constitutes the entire Agreement between the parties.
13. **Agreement.** The Commission and Attorney agree that nothing in this Agreement shall create an employment relationship.
  - A. **Conflict of Interest:** There is no conflict of interest prior to or after executing the contract.
14. **Approval and Sign Off.** Approval of signature by any person or persons on behalf of the Oneida Nation, whether on a contract, or agreement shall not constitute a waiver

of sovereign immunity on behalf of the Oneida Nation, Oneida General Council, the Oneida Business Committee or any of its agents or sub-entities.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the dates shown below.

\_\_\_\_\_  
William T. Cornelius, Attorney (date)

\_\_\_\_\_  
Matthew W. Denny, Chairman (date)  
Oneida Gaming Commission

\_\_\_\_\_  
Jo Anne House, Ph.D. (date)  
Chief Counsel

\_\_\_\_\_  
Tehassi Hill (date)  
Chair, Oneida Business Committee

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, Oneida Business Committee

Contract Reference #  
Approval by Oneida Business Committee: \_\_\_\_\_

**BUILDING LEASE**

The Building Lease (“Lease”) is entered into as of the 1st day of October 2018 by and between **Oneida Gaming Commission**, P.O. Box 79, Oneida, Wisconsin 54155 (hereinafter called “Lessor”), and **William T. Cornelius** (hereinafter called “Lessee”).

**WITNESSETH:**

**IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED, AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:**

1. **Premises.** Lessor, in consideration of the rents and covenants hereinafter set forth, does hereby lease unto Lessee the building and improvements described on Attachment A attached to this Building Lease (hereinafter referred to as the “Premises”). Lessee accepts the Premises in “AS IS” condition, without any warranty or representation, express or implied, being made by Lessor. Location of premises is 2669 West Mason Street, Green Bay, WI.
2. **Rent.** Lessee agrees to lease the Premises for the term herein, defined as an initial term of 1 (one) years and to pay Lessor as base rent therefore as follows:
  - (a) Commencing on the date hereof, the Lessee shall pay the monthly sum of \$50 (fifty) commencing on October 1, 2018 and each month thereafter for 1 (one) year ending September 30, 2019.
  - (b) The rent shall be paid to Lessor at 2669 West Mason Street, Green Bay, WI 54313, or to such other place as it may designate in writing. Lessee shall pay the rent to Lessor without notice or demand and without abatement, deduction or setoff.
  - (c) Lessee’s covenant to pay rent is and shall be independent of each and every other covenant of this Lease. Lessee agrees that any claim by Lessee against Lessor shall not be deducted from rent nor setoff against any claim for rent in any action.
  - (d) At the expiration of this Lease, all items of rent shall be equitably prorated as of the date of termination.
3. **Term.**
  - (a) The initial Lease Term shall be for 1 (one) year term ending September 30, 2019.
  - (b) Provided that Lessee is not then in default under this Lease Agreement, Lessee shall have the option to extend this Lease Agreement for one (1) additional term.



4. **Dispute Resolution.** Lessor and Lessee agree that any disputes arising under this Lease shall be resolved through the use of good faith negotiation. In the event the parties are unable to resolve the dispute through the use of good faith negotiation, Lessor and Lessee agree to mediate the dispute.

5. **Miscellaneous.**

- (a) This Lease is binding upon and shall inure to the benefit of the parties hereto and its successors and assigns, subject, however, to the limitations on assignment contained herein.
- (b) This Lease contains the entire agreement between the parties and cannot be changed or terminated orally.
- (c) Time is of the essence of the provisions of this Lease.
- (d) If any provision of this Lease is declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect.
- (e) Failure of either party to enforce any rights or remedies shall not constitute a waiver of the default giving rise to the rights or remedies nor prevent such party from exercising the rights or remedies for any subsequent default by the other party.
- (f) At the request of either party, the parties agree to execute a short form notice of this Lease for recording purposes.

**IN WITNESS WHEREOF, the parties have caused the execution and deliveries of this Lease under seal effective the date first written above.**

**LESSOR:**

**ONEIDA GAMING COMMISSION**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**LESSEE:**

**WILLIAM T. CORNELIUS, ATTORNEY AT LAW**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**Attachment A To Lease**

**Description of Premises**

Building known as: West Mason Mall Retail suite totals approximately 100 square feet gross area.

**From:** [Melissa M. Alvarado](#)  
**To:** [Shannon C. Davis](#)  
**Cc:** [Tamara J. Vanschyndel](#); [Reynold T. Danforth](#); [Melissa M. Alvarado](#)  
**Subject:** NOTIFICATION: Contracts/Sponsorships 09/13/18  
**Date:** Thursday, September 13, 2018 8:56:16 AM

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DATE: 09/13/18  
 FROM: Matthew W. Denny  
 SUBJECT: Contracts/Sponsorships

Good Morning All,

The Gaming Commission has reviewed the following Contracts/Sponsorships for regulatory compliance. These contracts are subject to retro approval at the next regular called OGC meeting and no negative background investigations.

<b>Contract Name</b>	<b>Contract Number</b>	<b>Contract Dates</b>	<b>Contract Amount</b>
William T. Cornelius	2018-1099	Oct. 1, 2018 – Sept. 30, 2019	

If you have any questions regarding this matter, please contact the Gaming Commission Executive Director, Tamara VanSchyndel or Chair, Matthew W. Denny @ 497-5850.

Thank you

*Melissa Alvarado*  
 Administrative Assistant  
 Oneida Gaming Commission  
 497-5850 (Ext. 5650)  
 800-497-5897 (Toll Free)  
[malvarad@oneindanation.org](mailto:malvarad@oneindanation.org)



